United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 3, 2000
DO-00-039

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Amy L. Comstock
Director

SUBJECT: 2000 Agency Ethics Program Questionnaire

Please complete and return the attached 2000 Agency Ethics Program Questionnaire to the Office of Government Ethics (OGE) **no later than February 1, 2001.** Your response to this questionnaire will constitute your annual report as required by section 402(e)(1) of the Ethics in Government Act of 1978, as amended.

The questionnaire covers the period January 1, 2000 through December 31, 2000. **Failure to file** on or before February 1, 2001, may be cause for OGE to invoke its **corrective action authority** (5 C.F.R. § 2638.602(b)). Please note that the information contained in the questionnaire is subject to the Freedom of Information Act.

All completed questionnaires should be submitted directly to Ms. Cunningham. If you have any questions about the questionnaire or would like a copy of the executive branchwide statistical summary for the 1999 questionnaire, please contact Kaneisha Cunningham at 202-208-8000, extension 1180.

Attachment

Template 06C002

ERIDS 06C01

GSA Interagency Report
Control No. 0363-OGE-AN

OGE Use Only

United States
Office of Government Ethics

2000 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Your response to this questionnaire will constitute your annual report for 2000. Section 402(e)(1) of the Ethics in Government Act of 1978, as amended, requires that executive agencies submit an annual report to the Office of Government Ethics (OGE) concerning certain aspects of their ethics programs. This annual report shall be filed with OGE on or before **February 1** of each year (5 C.F.R. § 2638.602(a)).

Please respond to each question as completely and accurately as possible. Also, please print or type neatly and try to keep your responses confined to the assigned blocks or spaces. Use an [X] where appropriate. Please attach sheets for narrative responses. Be sure to clearly indicate which question you are answering on all attached sheets. Throughout the questionnaire, "year" refers to the calendar year (i.e., 1/1/00 through 12/31/00) except where specified.

If you have any questions, contact Kaneisha Cunningham at 202-208-8000, extension 1180.

DEADLINE: FEBRUARY 1, 2001

ORGANIZATION

1. Agency _____

2. Number of full-time agency employees (calendar year 2000) _____

3. How many employees in each category worked in the ethics program in 2000? Include employees who worked in the region.

   a. 80% or more of time spent on ethics ..... _____
   b. 79% to 50% of time spent on ethics ..... _____
   c. 49% to 20% of time spent on ethics ..... _____
   d. 19% to 5% of time spent on ethics ..... _____
   e. less than 5% of time spent on ethics ..... _____

   TOTAL ..... _____

4. Who is the Designated Agency Ethics Official (DAEO)?

_____

5. The DAEO's position is in the

a. Legal office ..... _____
b. Ethics office ..... _____
c. Personnel office ..... _____
d. Administrative office ..... _____
e. Agency head's office ..... _____
f. Other (specify): ..... _____

6. What is the DAEO's full-time organizational title?

_____

7. What is the DAEO's phone number? _____

8. Identify the length of time the DAEO has held this position.

a. 10 or more years ..... _____
b. 5 - 9 years ..... _____
c. 1 - 4 years ..... _____
d. Less than 1 year ..... _____
e. Position vacant ..... _____

9. Approximately what percentage of the DAEO's time is spent on ethics? _____%

10. Who is the Alternate DAEO?

_____

11. The Alternate DAEO's position is in the

a. Legal office ..... _____
b. Ethics office ..... _____
c. Personnel office ..... _____
d. Administrative office ..... _____
e. Agency head's office ..... _____
f. Other (specify): ..... _____

12. What is the Alternate DAEO's full-time organizational title?

_____

13. What is the Alternate DAEO's phone number? _____

14. Identify the length of time the Alternate DAEO has held this position.

a. 10 or more years ..... _____
b. 5 - 9 years ..... _____
c. 1 - 4 years ..... _____
d. Less than 1 year ..... _____
e. Position vacant ..... _____

15. Approximately what percentage of the Alternate DAEO's time is spent on ethics? _____%

16. Does your agency have regional ethics officials?

☐ **YES** ☐ **NO** (go to Resources section)

If yes, please identify where these positions are located in the regional or field offices. Mark more than one, if appropriate.

a. Legal office ..... _____
b. Personnel office ..... _____
c. Other (specify): ..... _____

17. How many regional ethics officials do you have? _____

RESOURCES

1. Please rank the following elements of your ethics program from one (**1**) being the most time spent to administer to seven (**7**) being the least time spent to administer. If certain of these elements do not exist within your agency or other elements take more time to administer, please explain and rank on a separate sheet. **Please use each ranking (i.e., number) <u>one</u> time.**

Public financial disclosure system ..... _____
Confidential financial disclosure system ..... _____
Outside activity approval system ..... _____
Written opinions and counseling ..... _____
Education and training ..... _____
Disciplinary process for violations ..... _____
Special Government employees' activities (See page 15 for definition of special Government employee.) ..... _____

2. Do you contract out any part(s) of your ethics program (exclude Small Agency Council Training and videotape production)?

☐ **YES** ☐ **NO** (go to question 3)

If yes, what part(s): _____

If yes, may we share this information with other Federal agencies?

☐ **YES** ☐ **NO**

3. Have you automated part(s) of your ethics program?

☐ **YES** ☐ **NO** (go to question 4)

If yes, what part(s): _____

If yes, may we share this information with other Federal agencies?

☐ **YES** ☐ **NO**

4. Does the Inspector General (IG) or another internal authority review the agency's ethics program at least every five years?

☐ **YES** ☐ **NO** (go to question 5) ☐ **N/A** (go to question 5)

If yes, please answer a and b.

a. Mark if the review is continuous or provide the date of the last review.

☐ Continuous Date of last review: _____

b. Were written reports with recommendations issued?

☐ **YES** ☐ **NO** (go to question 5)

If yes, does the IG or other authority follow up on these written recommendations?

☐ **YES** ☐ **NO**

5. Does the DAEO or his/her designee perform a self-evaluation (i.e., program review) of the agency's ethics program?

☐ **YES** ☐ **NO** (go to Agency Authority section)

If yes, please answer a and b.

a. Mark if the review is continuous or provide the date of the last review.

☐ Continuous Date of last review: _____

b. Were written reports with recommendations issued?

☐ **YES** ☐ **NO** (go to next question)

If yes, does the DAEO or designee follow up on these written recommendations?

☐ **YES** ☐ **NO**

AGENCY AUTHORITY

1. Does your agency have statutory gift acceptance authority (in addition to the authority to accept payments for travel expenses under 31 U.S.C. § 1353)?

☐ **YES** ☐ **NO**

If yes, please provide the citation to both the statutory authority and agency regulations implementing the statutory authority.

Statutory authority: _____

Implementing regulations: _____

ENFORCEMENT OF CRIMINAL AND CIVIL STATUTES

1. Does one office within your agency coordinate all referrals of potential violations of the criminal conflict of interest statutes, 18 U.S.C. §§ 203, 205, 207, 208, and 209, to the Department of Justice (DOJ), including offices of U.S. Attorneys?

☐ **YES**

If yes, what office is that (mark only one)? **If the DAEO is the General Counsel, please mark DAEO.**

DAEO ..... _____
Agency Head ..... _____
IG ..... _____
General Counsel ..... _____
Other (specify): ..... _____

☐ **NO**

If no, which offices refer such matters directly to DOJ/U.S. Attorney? **If the DAEO is the General Counsel, please mark DAEO.**

DAEO ..... _____
Agency Head ..... _____
IG ..... _____
General Counsel ..... _____
Other (specify): ..... _____

2. If an office(s) other than the DAEO's office coordinates such referrals to DOJ/U.S. Attorney or refers such matters directly, does that office(s) notify the DAEO of all such referrals made?

☐ **YES** ☐ **NO**

EDUCATION AND TRAINING

1. In providing the initial ethics orientation to new employees, did your agency provide any training beyond the distribution of required materials?

☐ **YES** ☐ **NO** (go to question 2) ☐ **N/A**

If yes, please identify the type of training provided. Mark more than one, if appropriate.

a. Verbal briefing ..... _____
b. Videos/films:
   OGE-produced ..... _____
   Agency-produced ..... _____
c. Ethics course ..... _____
d. Summary of regulations ..... _____
e. Computer-based training ..... _____
f. Handbooks/pamphlets ..... _____
g. Case studies ..... _____
h. Other (specify): ..... _____

2. How often do you provide initial ethics orientation?
   a. Every 90 days ..... _____
   b. On an as-needed basis ..... _____
   c. Other (specify): ..... _____

3. Please use the following tables to report the number of covered employees who were required to receive an annual ethics briefing in Calendar Year (CY) 2000 and the number of covered employees who actually received an annual briefing during CY 2000. Please note that covered employees have been broken down into two categories, those that file a Public Financial Disclosure Report (Public Filers) and All Others. Please note, all cite references are to 5 C.F.R. § 2638.704.

PUBLIC FILERS	Number
Total number of Public Financial Disclosure Report (SF 278) Filers required to receive an annual ethics briefing	
Number who received verbal annual briefing with a qualified individual present (§ 2638.704(d)(2)(i) and (d)(2)(ii))	
Number who received annual ethics briefing in accordance with the exception at § 2638.704(d)(2)(iii)(A) [impractical to provide verbal briefing with a qualified individual present]	
Number of SGEs who received ethics briefings in accordance with § 2638.704(d)(2)(iii)(B)	

ALL OTHERS (Covered employees other than public filers)	Number
Total number of other covered employees required to receive an annual ethics briefing (written or verbal)	
Number who received verbal annual briefings in accordance with § 2638.704(d)(3)(ii) [at least 1 out of 3 years]	
Number who received written annual briefings in accordance with § 2638.704(d)(3)(i) [up to 2 out of 3 years]	
Number who received written annual briefings in accordance with the exception at § 2638.704(d)(3)(iii)(A) [impractical to provide a required verbal briefing]	
Number of SGEs who received written annual briefings in accordance with the exception at § 2638.704(d)(3)(iii)(B) [expected to work < 60 days in a calendar year]	
Officers in the Uniformed Services who received written annual briefings in accordance with the exception at § 2638.704(d)(3)(iii)(C) [active duty ≤ 30 consecutive days]	
Who received written annual briefings in accordance with the exception at § 2638.704(d)(3)(iii)(D) [covered only at agency designation]	

4. What kind(s) of training methods and materials did you use for your annual ethics training? Mark more than one, if appropriate.

Copies of the Standards of Ethical Conduct
and/or agency supplemental regulations ..... _____
Summary of the Standards of Ethical Conduct ..... _____
Slides/overheads ..... _____
Videos/films:
OGE-produced ..... _____
Agency-produced ..... _____
Lectures ..... _____
Computer-based training ..... _____
Handbooks/pamphlets ..... _____
Case studies ..... _____
Newsletters/bulletins ..... _____
Teleconferencing ..... _____
Satellite ..... _____
Other (specify): ..... _____

ETHICS OPINIONS, ADVICE AND COUNSELING

1. Please rank the following topics from **1** being the most frequent type of advice rendered to **9** being the least frequent type of advice rendered. If a topic is not applicable, please mark **N/A**. If N/A is marked, please renumber accordingly. (E.g., if N/A is used once, then use the numbers **1** through **8**, etc.) If other types of ethics opinions are rendered more frequently, please identify and rank on a separate sheet. **Please use each ranking (i.e., number) <u>one</u> time.**

Honoraria ..... _____
Outside employment/activities (other than honoraria) ..... _____
Post-employment restrictions ..... _____
Conflicting financial interests ..... _____
Awards ..... _____
Impartiality in performance of official duties ..... _____
Misuse of position, Government resources, information ..... _____
Travel, subsistence, and related expenses from
non-Federal sources ..... _____
Gift acceptance, excluding awards and travel, subsistence,
and related expenses from non-Federal sources ..... _____

2. Who is authorized to provide written advice on standards of conduct and conflict of interest statutes? Mark more than one, if appropriate. **If the DAEO is the General Counsel, please mark DAEO.**

DAEO/Alternate DAEO/Deputies/Ethics Officials ..... _____
General Counsel/Regional Counsels/Staff Attorneys ..... _____
Supervisors ..... _____
Directors of Personnel/Staff ..... _____
Agency Head ..... _____
Other (specify): ..... _____

ENFORCEMENT OF STANDARDS OF ETHICAL CONDUCT

1. Report the number of disciplinary actions taken in 2000 based wholly or in part upon violations of the standards of ethical conduct provisions (5 C.F.R. part 2635). For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents. Do not, however, include cautionary warnings and actions based on time and attendance violations.

a. Gifts from outside sources ..... _____
b. Gifts between employees ..... _____
c. Conflicting financial interests ..... _____
d. Impartiality in performance of official duties ..... _____
e. Seeking other employment ..... _____
f. Misuse of position, Government resources, information ..... _____
g. Conflicting outside activities ..... _____
h. Compensation for teaching, speaking, and writing ..... _____
i. Compensation from non-Federal sources ..... _____
j. Indebtedness ..... _____
k. General provisions ..... _____
l. Provision(s) in agency supplemental regulation ..... _____
m. Other (specify): ..... _____

TOTAL ..... _____

PUBLIC FINANCIAL DISCLOSURE

1. Report the total number of public financial disclosure reports (SF 278) required to be filed in 2000 by permanent full-time employees, excluding special Government employees, and the total number of reports actually filed. Derive totals for required new entrant/termination reports from the number of appointments to and the number of terminations from positions during 2000. Some totals may include late filings actually received in 2001.

	PAS[1]		Career Senior Service (CSS)[2]		Other[3]		**TOTAL**	
	required	filed	required	filed	required	filed	required	filed
Nominee/ New Entrant								
Annual								
Termination								
Combined[4]								
TOTAL								

[1] Presidential appointees confirmed by the Senate.

[2] SES, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service. This definition also applies to questions 2 and 3.

[3] Other includes members of the uniformed services, noncareer Senior Service, Administrative Law Judges, Schedule Cs, etc. This definition also applies to questions 2 and 3.

[4] Reports used for both annual and termination, as well as nominee and annual filings.

a. If the number of required public financial disclosure reports is not the same as the number of reports actually filed, please mark the appropriate reason(s) for the discrepancy. Otherwise, go to question 2.

Extension granted ..... _____
In process of collecting forms ..... _____
Employee failed to file ..... _____
Administrative problems ..... _____
Employee on extended sick leave or TDY ..... _____
Employee deceased ..... _____
Other (specify): ..... _____

2. Report the total number of specific corrective or remedial (nondisciplinary) actions taken in regard to public financial disclosure reports filed by permanent full-time, non-PAS filers in 2000. Consider as a separate action each holding which has been divested, each outside position which has been terminated, and each written document detailing a specific disqualification (i.e., recusal) or 18 U.S.C. § 208(b) waiver.

	CSS	Other	**TOTAL**
Divestiture			
Resignation from outside position			
Written disqualification			
18 U.S.C. § 208(b) waiver			
Reassignment			
TOTAL			

3. Report the total number of delinquent public financial disclosure report filers subject to the $200 late filing fee. **If none, please report "0" and go to the next section.**

PAS	CSS	Other	TOTAL

a. Of those reported delinquent filers, how many actually paid the late filing fee and how many received a waiver from OGE?

PAS		CSS		Other		TOTAL	
Paid	Waived	Paid	Waived	Paid	Waived	Paid	Waived

b. If the totals for PAS, CSS, Other and TOTAL reported in 3a do not equal those reported in question 3, please explain below.

_____

_____

CONFIDENTIAL FINANCIAL DISCLOSURE

1. Report the total number of confidential financial disclosure reports required to be filed in 2000 by permanent full-time employees, excluding special Government employees, and the total number of reports actually filed. Totals for required reports should include entries to covered positions during 2000. Some totals may include late filings actually received in 2001. **If your agency does not have any uniformed military personnel, please report "0."**

	Reports Required	Reports Filed
CIVILIANS		
UNIFORMED MILITARY PERSONNEL		
TOTAL		

a. If the number of required confidential financial disclosure reports is not the same as the number of reports actually filed, please mark the appropriate reason(s) for the discrepancy. Otherwise, go to question 2.

Extension granted ..... _____
In process of collecting forms ..... _____
Employee failed to file ..... _____
Administrative problems ..... _____
Employee on extended sick leave or TDY ..... _____
Employee deceased ..... _____
Other (specify): ..... _____

2. Report the total number of specific corrective or remedial (nondisciplinary) actions taken in regard to confidential financial disclosure reports filed by permanent full-time, non-PAS filers in 2000. Consider as a separate action each holding which has been divested, each outside position which has been terminated, and each written document detailing a specific disqualification (i.e., recusal) or 18 U.S.C. § 208(b) waiver.

	CIVILIANS	UNIFORMED MILITARY PERSONNEL	TOTAL
Divestiture			
Resignation from outside position			
Written disqualification			
18 U.S.C. § 208(b) waiver			
Reassignment			
TOTAL			

SPECIAL GOVERNMENT EMPLOYEES[5]

1. Does your agency have special Government employees (SGE)?

   ☐ **YES** ☐ **NO** (go to Waivers section)

2. Report the total number of SGEs who served as advisory committee members or as experts/consultants and who were required to file financial disclosure reports in 2000. Include the total number who actually filed.

	Confidential Reports		Public Reports	
	required	filed	required	filed
Advisory Committee Members				
Experts/Consultants				
Board Members				
Commissioners				
Other (specify): _____				
TOTAL				

[5] For purposes of this questionnaire, the term "special Government employee" (SGE) means an officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for not more than 130 days during any period of 365 consecutive days. In addition to these officers and employees, the term includes:

- Part-time United States commissioners
- Part-time United States magistrates
- Independent counsels appointed under chapter 40 of title 28 and any person appointed by those independent counsels under section 594(c) of title 28, regardless of the number of days of appointment for either of these positions
- Reserve officers of the Armed Forces and officers of the National Guard of the United States (unless otherwise officers or employees of the United States) while on active duty solely for training or serving involuntarily

The terms "officer or employee" and "SGE" shall not include enlisted members of the Armed Forces.

a. If the number of required financial disclosure reports is not the same as the number of reports actually filed, please mark the appropriate reason(s). Otherwise, go to question 3.

Extension granted ..... _____
In process of collecting forms ..... _____
Employee failed to file ..... _____
Administrative problems ..... _____
Employee on extended sick leave or TDY ..... _____
Employee deceased ..... _____
Other (specify): ..... _____

3. Were any SGEs not required to file a financial disclosure report in 2000?

☐ **YES** ☐ **NO**

If yes, **how many** were not required to file reports?

Advisory committee members ..... _____
Experts/consultants ..... _____
Other (specify): ..... _____

WAIVERS

1. Report the total number of waivers granted under 18 U.S.C. § 208(b)(1) during 2000. Consider as a separate action each written document detailing a specific 18 U.S.C. § 208(b) waiver. _____

   a. Of this total, how many were granted to public financial disclosure report filers? _____

   b. Of this total, how many were granted to confidential financial disclosure report filers? _____

2. How many waivers were granted to special Government employees?

§ 208(b)(1) ..... _____
§ 208(b)(3) ..... _____