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GSA# 0363-OGE-AN

*United States  
Office of Government Ethics*

**1997 AGENCY ETHICS PROGRAM QUESTIONNAIRE**

Your response to this questionnaire will constitute your annual report for 1997. 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., 1/1/97 through 12/31/97) except where specified.

If you have any questions, contact Sandy McKinzy at 202-208-8000, extension 1212.

**DEADLINE: FEBRUARY 1, 1998**

**ORGANIZATION**

- 1. Agency \_\_\_\_\_
- 2. Number of full-time agency employees (calendar year 1997) \_\_\_\_\_
- 3. How many employees in each category worked in the ethics program in 1997?  
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) one 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. How many annual ethics training classes did your agency provide during 1997? Do not include initial ethics orientation sessions. [If your annual training was conducted by the Small Agency Council, report "0."] \_\_\_\_\_

4. Report the total number of agency employees required to receive annual ethics training in 1997 and the total number of employees who actually received annual ethics training (include both verbal and written).

# Required To Receive	# Who Actually Received

4a. If the number of employees required to receive annual ethics training is not the same as the number of employees who actually received training, please mark the appropriate reason(s) for the discrepancy. Otherwise, go to question 5.

- Employee terminated service .....
- Employee on leave .....
- Employee deceased .....
- Agency exceeded training requirement .....
- Other (specify): .....

**NOTE: Questions 5, 6 and 7 pertain to training conducted in accordance with the training regulations in effect prior to June 10, 1997.**

- 5. How many covered regular employees received annual ethics training by means of written materials under the exception at 5 C.F.R. § 2638.704(d)(2)(iii)(A)? \_\_\_\_\_
- 6. How many covered special Government employees received annual ethics training by means of written materials under the exception at 5 C.F.R. § 2638.704(d)(2)(iii)(B)? \_\_\_\_\_
- 7. How many covered officers in the uniformed services who serve on active duty for 30 or fewer consecutive days received annual ethics training by means of written materials under the exception at 5 C.F.R. § 2638.704(d)(3)(iii)(C)? \_\_\_\_\_
- 8. 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 **10** 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 **9**, 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) one 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 ..... \_\_\_\_\_  
 Opinions issued under 48 C.F.R. § 3.104-8(e)  
     (Procurement Integrity "safe-harbor" opinions) ..... \_\_\_\_\_

2. Has your agency issued any Procurement Integrity "safe-harbor" opinions under 48 C.F.R. § 3.104-8(e) during 1997?

**YES**



If yes, please identify the number of opinions issued. \_\_\_\_\_

**NO**

**N/A** (if not covered under 48 C.F.R. § 3.104-8(e))

3. 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 1997 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**

- Report the total number of public financial disclosure reports (SF 278) required to be filed in 1997 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 1997. Some totals may include late filings actually received in 1998.

	PAS <sup>1</sup>		Career Senior Service (CSS) <sup>2</sup>		Other <sup>3</sup>		TOTAL	
	required	filed	required	filed	required	filed	required	filed
Nominee/ New Entrant								
Annual								
Termination								
Combined <sup>4</sup>								
<b>TOTAL</b>								

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<sup>1</sup> Presidential appointees confirmed by the Senate.

<sup>2</sup> SES, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service. This definition also applies to questions 2 and 3.

<sup>3</sup> 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.

<sup>4</sup> 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 1997. 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			
<b>TOTAL</b>			

3. Report the total number of delinquent public financial disclosure 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.

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**CONFIDENTIAL FINANCIAL DISCLOSURE**

1. Report the total number of confidential financial disclosure reports required to be filed in 1997 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 1997. Some totals may include late filings actually received in 1998. **If your agency does not have any uniformed military personnel, please report "0."**

	Reports Required	Reports Filed
<b>CIVILIANS</b>		
<b>UNIFORMED MILITARY PERSONNEL</b>		
<b>TOTAL</b>		

- 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 1997. 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			
<b>TOTAL</b>			

## SPECIAL GOVERNMENT EMPLOYEES<sup>5</sup>

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 1997. 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): _____				
<b>TOTAL</b>				

<sup>5</sup> 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
- 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

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 1997?

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 1997. 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 filers? \_\_\_\_\_
- b. Of this total, how many were granted to confidential financial disclosure filers? \_\_\_\_\_

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

§ 208(b)(1) ..... \_\_\_\_\_  
 § 208(b)(3) ..... \_\_\_\_\_



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) 1998 and the number of covered employees who actually received an annual briefing during CY 1998. Please note that covered employees have been broken down into two categories, those that file a Public Financial Disclosure report and All Others. Please note, all cite references are to 5 C.F.R. 2638.

<b>PUBLIC FILERS</b>	Number
Total number of Public Financial Disclosure 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)	

<b>ALL OTHERS</b> (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) [1 out of 3 years]	
Number who received written annual briefings in accordance with 2638.704(d)(3)(i) [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]	
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 days]	
Who received written annual briefings in accordance with the exception at 2638.704(d)(3)(iii)(D) [covered only at agency designation]	