

OGE Use Only

United States
Office of Government Ethics

2002 AGENCY ETHICS PROGRAM QUESTIONNAIRE

Your response to this questionnaire will constitute your annual report for 2002. 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., 1/1/02 through 12/31/02) except where specified.

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

DEADLINE: FEBRUARY 1, 2003

ORGANIZATION

1. Agency _____
 2. Number of full-time agency employees (calendar year 2002) _____
 3. How many employees in each category worked in the ethics program in 2002?
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. 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) 2002 and the number of covered employees who actually received an annual briefing during CY 2002. 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 and 2638.705.

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(c))	
Number who received annual ethics briefing in accordance with the exception at § 2638.704(e)(1) [impractical to provide verbal briefing with a qualified individual present]	
Number of SGEs who received ethics briefings in accordance with § 2638.704(e)(2)	

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 § 2638.705(c)(1) [at least 1 out of 3 years]	
Number who received written annual briefings in accordance with § 2638.705(c)(2) [up to 2 out of 3 years]	
Number who received written annual briefings in accordance with the exception at § 2638.705(d)(1) [impractical to provide a required verbal briefing]	
Number of SGEs who received written annual briefings in accordance with the exception at § 2638.705(d)(2) [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 § 2638.705(d)(3) [active duty ≤ 30 consecutive days]	
Who received written annual briefings in accordance with the exception at § 2638.705(d)(4) [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) 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 _____

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 2002 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 2002 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 2002. Some totals may include late filings actually received in 2003.

	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 2002. 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 2002 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 2002. Some totals may include late filings actually received in 2003. **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 2002. 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 EMPLOYEES⁵

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 2002. 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 2002?

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 2002. 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) _____