

**ETHICS PROGRAM INSPECTION REPORT**

Agency: U.S. Fish and Wildlife Service, Department of the Interior

Report No.: 16-411

Date: June 7, 2016

Period Covered by Review: January 2015 – December 2015

**UNITED STATES OFFICE OF  
GOVERNMENT ETHICS**

  
Preventing Conflicts of Interest  
in the Executive Branch

1.0	AGENCY DATA	
	EMPLOYEES	
1.1	Number of full-time agency employees	8,940
1.2	Number of agency special Government employees	4
1.3	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed	1
1.4	Number of non-PAS public financial disclosure reports required to be filed	24
1.5	Number of confidential financial disclosure reports required to be filed	1,360
	ETHICS PROGRAM	
1.6	Title of Designated Agency Ethics Official (DAEO)	Director, Departmental Ethics Office, Department of the Interior
1.7	Grade level of DAEO	SES
1.8	Title of Alternate DAEO (ADAEO)	Attorney-Advisor, Departmental Ethics Office, Department of the Interior
1.9	Grade level of ADAEO	GS-15
1.10	Title of the primary, day-to-day ethics program administrator	Deputy Ethics Counselor, U.S. Fish and Wildlife Service
1.11	Grade level of the primary, day-to-day ethics program administrator	GS-15
1.12	Current number of full-time ethics officials	2
1.13	Current number of part-time ethics officials	12
1.14	Average full-time equivalent (FTE) value of a part-time ethics official(s) (For example, if part-time ethics officials at the agency generally devote 10 hours per week to ethics work, the average FTE value is 25%.)	10-15%
1.15	Number of reporting levels between the DAEO and the agency head	3
	COMMENTS	
	<p>(1.6 – 1.11) As a bureau of the Department of the Interior (DOI), U.S. Fish and Wildlife Service (FWS) ethics officials fall under the DOI ethics program. The DOI DAEO has delegated to the FWS Director the responsibility to manage the FWS ethics program and serve as its Ethics Counselor. The FWS Director has in turn appointed full-time Deputy Ethics Counselors to manage the day-to-day administration of the bureau’s ethics program.</p> <p>(1.15) This information reflects the reporting levels between the DAEO and agency head at DOI. At FWS, the primary, day-to-day ethics program administrator reports directly to the FWS Director.</p>	

2.0	LEADERSHIP			
	<b>COMPLIANCE REQUIREMENT</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.202(c).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<b>COMMENT</b>			
	(2.1 – 2.2) As a bureau of DOI, FWS does not have its own DAEO or ADAEO.			

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3.0 ETHICS AGREEMENTS				
	COMPLIANCE REQUIREMENT	Yes	No	N/A
3.1	During the period under review, all PAS officials complied with their ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	During the period under review, all PAS officials complied with their ethics agreements in a timely fashion. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	During the period under review, the agency notified OGE of ethics agreement compliance in a timely fashion. <i>See</i> DO-09-015.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	For all officials currently in PAS positions, the agency maintains documentation of actions taken to comply with ethics agreements. <i>See</i> 5 C.F.R. § 2634.804.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	For all officials currently in PAS positions, ethics agreements are maintained with their financial disclosure reports. <i>See</i> 5 C.F.R. § 2634.805.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>				
(3.1 – 3.3) No FWS PAS officials entered into ethics agreements during the period under review. (3.4) FWS' current PAS official has no documentable actions required to comply with his ethics agreement.				

4.0 PUBLIC FINANCIAL DISCLOSURE (OGE Form 278, OGE Form 278-T)				
	COMPLIANCE REQUIREMENT	Yes	No	N/A
4.1	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).			
4.1.1	• Collection of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.2	• Review/evaluation of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1.3	• Public availability of public financial disclosure reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DATA ANALYSIS</b>		<b>%</b>		
4.5	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	100%		
4.6	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
4.7	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
4.8	Percentage of sampled non-PAS public financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> PA-11-04.	100%		
4.9	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	N/A		
4.10	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	N/A		
4.11	Percentage of sampled PAS annual and termination reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). <i>See</i> 5 C.F.R. § 2634.605(a).	N/A		
<b>COMMENTS</b>				
(4.2) FWS did not have any filers subject to the late filing fee during the period under review. (4.7) FWS did not have any non-PAS termination public financial disclosure filers during the period under review. (4.9 – 4.11) FWS ethics officials do not collect or certify PAS public financial disclosure reports. PAS filers at FWS submit their reports to				

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GOVERNMENT ETHICS**Preventing Conflicts of Interest  
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DOI's Departmental Ethics Office for review and certification.

**5.0 CONFIDENTIAL FINANCIAL DISCLOSURE****COMPLIANCE REQUIREMENT****Yes****No****N/A**5.1 The agency has written policies and procedures in place governing: *See* 5 U.S.C app. IV, § 402(d)(1).

5.1.1 • Collection of confidential financial disclosure reports

☒☐☐

5.1.2 • Review/evaluation of confidential financial disclosure reports

☒☐☐5.2 Confidential financial disclosure reports are securely maintained. *See* OGE/GOVT-2.☒☐☐5.3 The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. *See* 5 C.F.R. § 2634.905(a).☐☒☐5.4 Confidential financial disclosure reports are retained in accordance with the retention requirements. *See* 5 C.F.R. § 2634.604.☒☐☐**DATA ANALYSIS****%**5.5 Percentage of sampled confidential new entrant reports filed timely. *See* 5 C.F.R. § 2634.903(b).

85%

5.6 Percentage of sampled confidential annual reports filed timely. *See* 5 C.F.R. § 2634.903(a).

85%

5.7 Percentage of sampled confidential financial disclosure reports certified timely (within 60 days of receipt or later when additional information was being sought or remedial action was being taken). *See* 5 C.F.R. §§ 2634.605(a), 2634.909(a).

98%

**COMMENTS**Comment:

(5.3) Following its implementation of an electronic financial disclosure system, DOI was unable to incorporate certain OGE-approved alternative confidential financial disclosure requirements into the system. Because this matter is Department-wide and not limited to FWS, OGE addressed this concern with the Departmental Ethics Office directly in OGE Program Review 16-43.

**6.0 INITIAL ETHICS ORIENTATION****COMPLIANCE REQUIREMENT****Yes****No****N/A**6.1 All initial ethics orientation material contains: *See* 5 C.F.R. § 2638.703(a) and (b).

6.1.1 • Current contact information of relevant ethics official(s)

☒☐☐6.1.2 • Copy of the Standards of Ethical Conduct and any agency supplemental standards to keep or review; or  
• Summaries of the Standards, any agency supplemental standards, and 14 Principles for employees to keep☒☐☐6.2 The agency can demonstrate that it has an effective process to ensure that new employees receive initial ethics orientations. *See* 5 C.F.R. § 2638.703(c).☒☐☐**DATA ANALYSIS****%**6.3 Percentage of new agency employees who received initial ethics orientation within 90 days. *See* 5 C.F.R. § 2638.703.

100%

**COMMENTS**

None

**7.0 ANNUAL ETHICS TRAINING****COMPLIANCE REQUIREMENT****Yes****No****N/A**

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7.1	All annual ethics training material contains: <i>See</i> 5 C.F.R. § 2638.704(b).			
7.1.1	<ul style="list-style-type: none"><li>Current contact information of relevant ethics official(s)</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.2	<ul style="list-style-type: none"><li>Review of the criminal conflict of interest statutes</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.3	<ul style="list-style-type: none"><li>Review of the Standards of Ethical Conduct</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.4	<ul style="list-style-type: none"><li>Review of the 14 Principles</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1.5	<ul style="list-style-type: none"><li>Review of any agency supplemental standards</li></ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	The agency can demonstrate that it has an effective process to ensure that covered employees receive annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(c) and 705(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%		
7.3	Public financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.704(a).	100%		
7.4	Confidential financial disclosure filers who completed annual ethics training. <i>See</i> 5 C.F.R. § 2638.705(a)(3).	88%		
	COMMENTS			
	None			

<b>8.0</b>	<b>ETHICS ADVICE AND COUNSELING</b>			
	<b>COMPLIANCE REQUIREMENT</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
8.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COMMENTS</b>				
	None			

**Agency Comments:**

We concur with the findings in the draft report. However, we are providing a few comments as additional information to explain several of the findings.

Section 5.0

- Comments re: 5.5 and 5.6:
  - Some of the new entrant and annual financial disclosure reports were filed late in 2015 because the Service was shifting to a new, updated list of positions that require the filing of financial disclosure reports.
  - The Service has revised and improved its guidance to employees regarding financial disclosure report filing deadlines.

Section 7.0

- Comment re 7.4:
  - Currently, the training tracking system for "DOI Learn", the Department's on-line learning system, does not accurately capture all of the ethics training taken by DOI employees. In 2016, the Service Ethics office is working with DOI Learn and the Service's training staff to improve the efficiency and accuracy of this system in tracking training for Service employees.

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



June 21, 2016

The Honorable Sarah M.R. Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
MS 7227  
Washington, DC 20240

Dear Secretary Jewell:

The U.S. Office of Government Ethics (OGE) has completed its review of the U.S. Department of the Interior's ethics program. The primary objective of a program review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

OGE's program review determined that a number of elements of the department's ethics program need improvement. OGE's report includes recommendations related to public and confidential financial disclosure, the consistent application of the department's alternative confidential financial disclosure procedure, the provision and tracking of annual ethics training for covered employees, and the administration of the ethics program as it relates to the department's special Government employees.

OGE notes that the department has begun taking steps to address the identified issues and looks forward to continuing to work with the department to bring its program into compliance and strengthen its operations. OGE will schedule a follow-up program review to assess the department's implementation of these recommendations.

The report of this program review is enclosed. If you have questions or would like to discuss this report, please contact me at 202-482-9292.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter M. Shaub, Jr.", written in a cursive style.

Walter M. Shaub, Jr.  
Director

Enclosure



UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



June 21, 2016

Melinda Loftin  
Designated Agency Ethics Official  
U.S. Department of the Interior  
1849 C Street, NW  
MS 7346  
Washington, DC 20240

Dear Ms. Loftin:

The U. S. Office of Government Ethics (OGE) has completed its review of the U.S. Department of the Interior's ethics program. The review consisted of a plenary review of the headquarters ethics program and inspections of the ethics programs at the Bureau of Land Management, the U. S. Fish and Wildlife Service, and the U.S. Bureau of Reclamation. The primary objective of a program review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program.

OGE's plenary review determined that a number of elements of the department's headquarters ethics program need improvement. OGE's report includes recommendations related to public and confidential financial disclosure, the consistent application of the department's alternative confidential financial disclosure procedure, the provision and tracking of annual ethics training for covered employees, and the administration of the ethics program as it relates to the department's special Government employees.

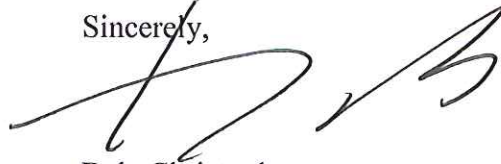
OGE's inspections indicated that the ethics programs administered by the Bureau of Land Management, the U. S. Fish and Wildlife Service and the U.S. Bureau of Reclamation were compliant with most requirements. However, OGE identified deficiencies in the public and confidential financial disclosure program elements of the ethics programs administered by the Bureau of Land Management and the U.S. Bureau of Reclamation.

OGE notes that the department has begun taking steps to address the issues identified and looks forward to continuing to work with the department to bring its program into compliance and strengthen its operations. OGE will schedule follow-up reviews to assess the implementation of the recommendations.

Ms. Melinda Loftin  
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The reports on the results of OGE's review are enclosed. If you have questions or would like to discuss the reports, please contact me at 202-482-9224.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Christopher', with a large, stylized initial 'D' and 'C'.

Dale Christopher  
Deputy Director for Compliance

Enclosure

UNITED STATES OFFICE OF  
GOVERNMENT ETHICS



June 21, 2016

Mary Kendall  
Deputy Inspector General  
U.S. Department of the Interior  
1849 C Street, NW  
MS 4428  
Washington, DC 20240

Dear Ms. Kendall:

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Ms. Mary Kendall  
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Dale Christopher  
Deputy Director for Compliance

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