



October 10, 2019  
PA-19-11

PROGRAM ADVISORY

TO: Designated Agency Ethics Officials

CC: Chief Human Capital Officers (or equivalent) and Inspectors General

FROM: Shelley K. Finlayson  
Chief of Staff and Program Counsel

SUBJECT: 2019 Annual Agency Ethics Program Questionnaire

At the beginning of each calendar year, agencies are required to submit an annual report to the U.S. Office of Government Ethics (OGE).<sup>1</sup> They fulfill that obligation by submitting a response to the Annual Agency Ethics Program Questionnaire (“questionnaire”). The responses to the 2019 questionnaire are due to OGE by February 3, 2020.

This Program Advisory provides executive branch agencies with an advance copy of the 2019 questionnaire to allow agencies time to coordinate between the ethics officials, human capital officers, and Inspectors General in order to prepare complete and accurate responses. The advisory also explains how and when to submit a response, describes the changes made from the 2018 questionnaire, and reminds agencies of the public availability of the questionnaire.

OGE uses the questionnaire data to report on the executive branch ethics program to the public, Congress, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual agency ethics programs and the executive branch program as a whole, and to make informed decisions about priorities and resource allocations.

**I. How and When to Submit a Response**

In January 2020, OGE will email Designated Agency Ethics Officials (DAEOs) and their Alternates (ADAEOs) a link to the online tool that agencies will use to submit their response to the questionnaire. Agencies must submit their responses electronically through that online tool. OGE will not accept responses in any other format. OGE will accept only one response per agency, which must encompass all of an agency’s components.

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<sup>1</sup> 5 U.S.C. app. § 402(e)(1); 5 C.F.R. § 2638.207(a).



The questionnaire covers the 2019 calendar year (January 1, 2019 through December 31, 2019), except as specified. Agency responses are due by February 3, 2020.

## **II. Highlights of Changes from the 2018 Questionnaire**

In the 2019 questionnaire, OGE removed seven questions that were outdated or redundant. OGE modified the wording of five questions, either to improve clarity or to align the question with existing regulations. Finally, OGE modified the response options in 17 questions. In most cases, these modifications allow OGE to more efficiently catalogue and summarize agency responses.

OGE added seven new questions. The most significant of the new questions are those that ask agencies to report on the timeliness of the review and certification of financial disclosure reports. Agencies were given advance notice of these questions in October 2018 and were reminded again in June 2019.

The attached advance copy of the questionnaire shows the substantive changes from the 2018 questionnaire.

## **III. Public Availability**

OGE will continue to make individual agency responses, as well as a summary report, publicly available on its website ([www.oge.gov](http://www.oge.gov)). Previous questionnaire responses and summary reports may be found at: <https://www.oge.gov/web/oge.nsf/Annual+Agency+Ethics+Program+Questionnaire>.

If you have questions or concerns regarding this advisory or the advance questionnaire, please contact Wendy Pond at 202-482-9285 or [wgpond@oge.gov](mailto:wgpond@oge.gov).

Attachment

*United States  
Office of Government Ethics*

**2019 AGENCY ETHICS PROGRAM QUESTIONNAIRE**

**PART 1. INTRODUCTION**

Executive branch agencies are required to submit an annual report to the United States Office of Government Ethics (OGE) concerning certain aspects of their ethics programs (Section 402(e)(1) of the Ethics in Government Act of 1978, as amended). Your response to OGE’s Annual Ethics Program Questionnaire (the questionnaire) serves as your annual report.

OGE uses the data collected through the questionnaire in many ways, including sharing information about the entire executive branch ethics program with the public, Congress, and the ethics community. OGE also uses the information to carry out its oversight role, to gain knowledge about individual programs, as well as the overall ethics program, and to make informed decisions about resource allocations and priorities. OGE posts a summary of questionnaire responses and each agency’s unedited responses on OGE’s website. Therefore, please ensure your responses are suitable for publication.

OGE encourages each agency to use the annual exercise of completing the questionnaire as an opportunity to evaluate your ethics program.

**DUE DATE:** By regulation, the questionnaire is due to OGE by February 1, 2020. (5 C.F.R. 2638.207(a)). However, because February 1, 2020 falls on a Saturday, responses are due **February 3, 2020**.

**PART 2. INSTRUCTIONS**

Your response to this questionnaire should reflect the 2019 calendar year (i.e., 1/1/2019 through 12/31/2019), except as specified. The answers provided should reflect the aggregate data for **your agency**. OGE will only accept **one submission per agency**.

Throughout the questionnaire you will be offered an opportunity to provide comments or explanations for your responses. Please use these comment sections to explain any discrepancies between levels of required activity and actual activity. These comment sections should also be used to explain significant changes from your 2018 report. After OGE has reviewed your questionnaire submission, you may be contacted for follow-up.

**PART 3. DEFINITIONS**

**Agency Head:** For purposes of this questionnaire, the term “agency head” means the head of an agency. In the case of a department, it means the Secretary of the department. In the case of a board or commission, it means the Chair of the board or commission.

**D.C Metro Area:** For purposes of this questionnaire, D.C. Metro Area means the District of Columbia, DC; Calvert County, MD; Charles County, MD; Prince George's County, MD;

Arlington County, VA; Clarke County, VA; Culpeper County, VA; Fairfax County, VA; Fauquier County, VA; Loudoun County, VA; Prince William County, VA; Rappahannock County, VA; Spotsylvania County, VA; Stafford County, VA; Warren County, VA; Alexandria city, VA; Fairfax city, VA; Falls Church city, VA; Fredericksburg city, VA; Manassas city, VA; Manassas Park city, VA; Jefferson County, WV; and, Silver Spring-Frederick-Rockville, MD Metropolitan Division Frederick County, and Montgomery County.

**Agency Employees:** For purposes of this questionnaire, the term “agency employees” means any officer or employee of an agency, including a special Government employee. It includes officers but not enlisted members of the uniformed services.

**Special Government Employee (SGE):** 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. The term “SGE” does not include enlisted members of the Armed Forces. It does, however, include these categories of officers or employees:

- Part-time United States commissioners;
- 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.

**PART 4. PROGRAM RESOURCES AND ADMINISTRATION**

1. Agency: \_\_\_\_\_
2. Number of full-time agency employees as of December 31, 2019: \_\_\_\_\_
3. Information about the Designated Agency Ethics Official (DAEO):

a. Vacant (as of December 31, 2019)?	<input type="checkbox"/> Yes ( <i>skip to #4a</i> ) <input type="checkbox"/> No
b. Time in current DAEO position	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
c. Total years performing ethics duties	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
d. Percent of time spent on ethics	<input type="checkbox"/> 0-25% <input type="checkbox"/> 26-50% <input type="checkbox"/> 51-75% <input type="checkbox"/> 76-100%
e. Is the DAEO a career employee or a political appointee?	<input type="checkbox"/> career employee <input type="checkbox"/> political appointee
f. Number of reporting levels between the DAEO and the agency head.	<input type="checkbox"/> <u>0 (the agency head is the DAEO)</u> <input type="checkbox"/> <u>1</u> <input type="checkbox"/> <u>2</u> <input type="checkbox"/> <u>3</u> <input type="checkbox"/> <u>4 or more</u>

4. Information about the Alternate Designated Agency Ethics Official (ADAEO)

a. Vacant (as of December 31, 2019)?	<input type="checkbox"/> Yes ( <i>skip to #5</i> ) <input type="checkbox"/> No
b. Time in current ADAEO position	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
c. Total years performing ethics duties	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1-4 years <input type="checkbox"/> 5-9 years <input type="checkbox"/> 10 or more years
d. Percent of time spent on ethics	<input type="checkbox"/> 0-25% <input type="checkbox"/> 26-50% <input type="checkbox"/> 51-75% <input type="checkbox"/> 76-100%

e. Is the ADAEO a career employee or a political appointee?	<input type="checkbox"/> career employee <input type="checkbox"/> political appointee
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5. Number of employees, including the DAEO and ADAEO, who performed ethics program duties in 2019 (e.g., financial disclosure, education and training, advice and counseling, and program administration).

Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
a. D.C. Metro area						
b. Outside the D.C. Metro area						
<b>TOTAL</b>						

\*FTE = Full Time Equivalent

*Example:* The table below provides an example of an agency with 13 employees that performed ethics program duties in 2019.

Duty Station	Number of employees by hours worked each week					TOTAL
	Less than 1 hour per week (up to .025 FTE*)	1-10 hours per week (up to .25 FTE*)	11-20 hours per week (up to .5 FTE*)	21-30 hours per week (up to .75 FTE*)	31-40 hours per week (up to 1 FTE*)	
a. D.C. Metro area	1	0	2	2	1	6
b. Outside the D.C. Metro area	1	3	3	0	0	7
<b>TOTAL</b>	2	3	5	2	1	13

6. In what areas did contractors support the ethics program? Select all that apply.

Not applicable (no contractors supported the ethics program)

IT services (e.g., developing or supporting electronic filing systems, applications, websites, and/or databases, etc.)

Please describe the IT support (optional): \_\_\_\_\_

Administrative support (e.g., tracking filing or training requirements, sending reminders, data entry, etc.)

Please describe the administrative support (optional): \_\_\_\_\_

Substantive ethics support (e.g., providing training, initial review of financial disclosures, drafting advice for further review, etc.)

Please describe the substantive support (optional): \_\_\_\_\_

Other (please describe)

7. Did your agency receive ethics services or support from another federal agency or federal entity ~~provide ethics services or support to your agency~~? Do not include contractors, OGE support, or OMB support of MAX.gov.

Yes

Please provide the name of the federal agency or entity: \_\_\_\_\_

Describe the services or support received: \_\_\_\_\_

No

8. Did your agency provide ethics program services or support for any board, commission, or agency that is independent of your agency?

Yes (please provide the names of the board, commission, or agency): \_\_\_\_\_

No

8.9. Does your agency's ethics program need additional resources? Check all that apply.

No additional resources needed

Budgetary

Human Capital

Technology

Other (specify) \_\_\_\_\_

9.10. Did the agency head meet with the ethics staff to discuss the strengths and weaknesses of the ethics program in 2019?

Yes

No

Not applicable (specify why) \_\_\_\_\_

~~10.11.~~ Did your agency (e.g., ethics office, Inspector General, General Counsel, etc.) ~~conduct a self assessment to~~ evaluate any aspect of the ethics program in 2019 (5 C.F.R. 2638.104(c)(16))?

- Yes
- No (*skip to #14*)

~~11.12.~~ To whom were the results reported? Select all that apply.

- Agency Head
- DAEO
- General Counsel
- Inspector General
- Other (specify) \_\_\_\_\_

~~12.13.~~ What kind of changes resulted from the assessment?

- Programmatic changes (please describe) \_\_\_\_\_
- Policy changes (please describe) \_\_\_\_\_
- No changes resulted (specify why not) \_\_\_\_\_
- Not applicable (specify why) \_\_\_\_\_

~~13.14.~~ Of the following required written procedures, which did you have in place? Check all that apply:

- Financial disclosure program, including for the filing, review, and when applicable, public availability of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i))
- ~~Collection of confidential financial disclosure reports (5 C.F.R. —2638.104(c)(8)(i)) (Including confidential reports submitted under an alternative procedure approved by OGE in accordance with 5 C.F.R. 2634.905, if applicable)~~
- ~~Collection of public financial disclosure reports (5 C.F.R. 2638.104(c)(8)(i)) (Including Periodic Transaction Reports, OGE T)~~
- ~~Follow up with delinquent confidential financial disclosure filers (DA 09 03 —92)~~
- ~~Follow up with delinquent public financial disclosure filers (DA 09 03 92)~~
- ~~Public availability of public financial disclosure reports (5 C.F.R. —2638.104(c)(8)(i))~~
- ~~Review/evaluation of confidential financial disclosure reports (5 C.F.R. —2638.104(c)(8)(i))~~
- ~~Review/evaluation of public financial disclosure reports (5 C.F.R. —2638.104(c)(8)(i))~~
- Issuance of notice of ethical obligations in written offers of employment (5 C.F.R. 2638.303)
- Provision of initial ethics training (5 C.F.R. 2638.304)

- Issuance of ethics notice to new supervisors (5 C.F.R. 2638.306)
- None

**ADDITIONAL COMMENTS FOR PART 4.** Please indicate the question number to which the comment corresponds.

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**PART 5. EDUCATION AND TRAINING**

~~14.~~15. Did ~~all of~~ the office(s) responsible for issuing ethics notices to prospective employees, pursuant to 5 C.F.R. 2638.303, provide the DAEO with the ~~certification-written confirmation~~ required pursuant to 5 C.F.R. 2638.310?

- ~~Written confirmation not required~~ Not applicable because my agency has less than 1,000 employees
- All of the offices provided the ~~certification-written confirmation~~ to the DAEO (skip to #17)
- Some of the offices provided the ~~certification-written confirmation~~ to the DAEO (explain why not all offices then skip to #17) \_\_\_\_\_
- None of the offices provided the ~~certification-written confirmation~~ to the DAEO (explain why not all offices skip to #17) \_\_\_\_\_
- ~~Not applicable because my agency has less than 1,000 employees~~
- ~~Written confirmation not required~~ Not applicable because the DAEO's office is responsible for issuing ethics notices to prospective employees (skip to #17)

16. Did written offers of employment for positions covered by the Standards of Conduct include the information required by 5 C.F.R. 2638.303?

- All of the written offers included the required information
- Some of the written offers included the required information
- None of the written offers included the required information
- Not applicable because no offers of employment were made
- Not applicable for another reason (please explain) \_\_\_\_\_

~~15.~~17. How many new agency leaders, as defined in 5 C.F.R. 2638.305(a), were required to receive ethics briefings by December 31, 2019? \_\_\_\_\_

a. How many of those leaders received their briefing within 15 days of their appointment?	
b. How many of those leaders received their briefing beyond the 15-day requirement?	
c. How many of those leaders have yet to receive their briefing as of today?	

If applicable, please explain why some of the leaders received their briefing beyond the 15-day requirement or have yet to receive their briefing. \_\_\_\_\_

~~16.~~18. How many employees, *including SGEs*, were required to receive Initial Ethics Training (IET) by December 31, 2019 (5 C.F.R. 2638.304)? Include employees who were excluded, under 5 C.F.R. 2638.304(a)(2), from the requirement to receive the interactive portion of the IET. \_\_\_\_\_

a. How many of those employees received IET within the 3-month requirement?	
b. How many of those employees received IET beyond the 3-month requirement?	
c. How many of those employee have not received IET as of today?	

If applicable, please explain why some employees received IET beyond the 3-month requirement or have yet to receive IET. \_\_\_\_\_

*Example:* If an employee started at the agency on December 15, 2019, and the employee completed IET prior to the end of the calendar year, include the employee in your required and received numbers. If, on January 1, 2020, the employee has not completed IET, do not count that employee in your required numbers. Instead, include the employee in your 2020 questionnaire response to be filed in 2021.

~~17.~~ How many non-supervisory positions at or below the GS-8 grade level, or the equivalent, were excluded from the requirement to receive the *interactive* portion of their initial ethics training during 2018, pursuant to 5 C.F.R. 2638.304(a) (i.e., they received only *written* materials)? \_\_\_\_\_

~~18.~~19. Did ~~all of~~ the office(s) delegated the responsibility for providing initial ethics training (IET) provide the required ~~certification-written confirmation~~ to the DAEO, pursuant to 5 C.F.R. 2638.310?

- ~~Written confirmation not required~~ Not applicable because my agency has less than 1,000 employees
- All of the offices provided the ~~certification-written confirmation~~ to the DAEO
- Some of the offices provided the ~~certification-written confirmation~~ to the DAEO (~~explain why not all offices specify why~~) \_\_\_\_\_
- None of the offices provided the ~~certification-written confirmation~~ to the DAEO (~~explain why not all offices specify why~~) \_\_\_\_\_
- ~~Not applicable because my agency has less than 1,000 employees~~
- ~~Written confirmation not required~~ ~~Not applicable~~ because all IET was provided by an office under the DAEO's supervision

19:20. Did the head of the agency complete either initial ethics training and/or annual ethics training in 2019?

- Yes
- No (specify why) \_\_\_\_\_
- Not applicable (specify why) \_\_\_\_\_

20:21. Required Annual Ethics Training

Type of covered employees (Include SGE filers)	# Required	# Received (of those required)
a. Executive Schedule Level I or Level II public filers (OGE Form 278e)		
b. All other public filers (OGE Form 278e)		
c. Confidential filers (OGE Form 450, 450A, and OGE-approved alternative confidential financial disclosure forms)		
d. Other employees required by 5 C.F.R. 2638.307(a) (employees appointed by the President; employees of the Executive Office of the President; contracting officers; or, other employees designated by the head of the agency.)		
TOTAL		

If applicable, please explain discrepancies between the number of employees who were required to receive training and the number of employees who received training: \_\_\_\_\_

~~21. Did you provide **annual** ethics training to other employees not otherwise required by regulation to receive training (i.e., any other employees not covered by the chart above)?~~

- ~~Yes (please specify who) \_\_\_\_\_~~
- ~~No~~

~~22. Did you provide additional, specialized ethics training during 2018 (i.e., beyond any required initial ethics training or annual ethics training)?~~

- ~~Yes~~

~~\_\_\_\_\_  No (skip to next Part)~~

23. ~~Which groups did you target for additional, specialized ethics training? Check all that apply.~~

~~All agency personnel (including individuals not required by regulation to receive annual training)~~

~~HR personnel~~

~~IT personnel~~

~~Procurement personnel~~

~~Supervisors~~

~~Other (specify all)~~

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22. If your agency assessed risk to help inform the content, format, and/or timing of ethics education and communications, select all that apply (see PA-19-05 for reference):

Reviewed advice logs for common issues

Discussed upcoming work and agency priorities with senior staff

Talked to program managers about risks inherent in their work

Conducted surveys to identify common and emerging ethics risks

Talked to employees about the ethics concerns they encounter in the workplace.

Other (please specify) \_\_\_\_\_

My agency did not assess risk

23. If your agency evaluated the effectiveness of your ethics education and/or communication, select all that apply (see PA-19-05 for reference):

Conducted self-assessments to ensure that required employees are receiving training

Administered post-training evaluations to assess participants' perceptions of the training

Reviewed advice logs for increased activity after training presentations and communications

Held discussions with agency leaders and employees to evaluate whether the training and communications they received supported them in managing ethics risks

Other (please describe) \_\_\_\_\_

My agency did not evaluate the effectiveness of ethics education

**ADDITIONAL COMMENTS FOR PART 5.** Please indicate the question number to which the comment corresponds.

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**PART 6. ADVICE, COUNSELING, AND REMEDIES**

24. From the list below, select the three topics that your employees most **frequently** sought guidance on in 2019. Please rate them in order, such that the first topic was the topic on which employees sought guidance the most frequently.

Conflicting financial interests
Gift acceptance
Financial disclosure reporting
Impartiality in performance of official duties
Misuse of position, government resources, and information
Outside employment/activities
Post-employment restrictions
Travel, subsistence, and related expenses from non-federal sources
Other (specify)

25. Number of notification statements of negotiation or recusal under section 17(a) of the STOCK Act submitted to the ethics office in 2019 (see 5 C.F.R. 2635.602(a)): \_\_\_\_\_

- ~~26. Number of public financial disclosure filers who, in 2018, took specific remedial actions (e.g., divestiture, resignation from outside position, written disqualification, 18 U.S.C. section 208 waiver, reassignment, etc.) because of information on a new entrant, annual, periodic transaction, or termination report (OGE Form 278e or 278 T): \_\_\_\_\_~~

~~Don't know/don't track~~

- ~~27. Number of individual remedial actions taken in 2018 because of information on a new entrant, annual, periodic transaction, or termination public financial disclosure report: \_\_\_\_\_~~

~~a. Recusals \_\_\_\_\_ Number  
 \_\_\_\_\_ Don't know/don't track~~

~~b. Divestitures \_\_\_\_\_ Number  
 \_\_\_\_\_ Don't know/don't track~~

~~c. Resignations from outside positions  
 \_\_\_\_\_ Number  
 \_\_\_\_\_ Don't know/don't track~~

~~d. Reassignments \_\_\_\_\_ Number  
 \_\_\_\_\_ Don't know/don't track~~

e. ~~Other not listed (specify)~~

\_\_\_\_\_ Number

\_\_\_\_\_ Don't know/don't track

If ~~Other~~, specify \_\_\_\_\_

~~28.26.~~ Number of 18 U.S.C. 208 waivers granted in 2019:

	Number Granted in 2019	Number Sent to OGE
a. 208(b)(1) waivers		
b. 208(b)(3) waivers		

If applicable, please explain discrepancies between the number of waivers granted and the number provided to OGE. \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 6.** Please indicate the question number to which the comment corresponds.

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**PART 7. FINANCIAL DISCLOSURE PROGRAM MANAGEMENT AND ELECTRONIC FILING SYSTEMS**

~~29~~.27. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of appointments to public and confidential financial disclosure filing positions (5 C.F.R. 2638.105(a)(1))?

	In All Cases	In Most Cases	In Some Cases	Never	Not Applicable (specify why, below)
a. Public Filers					
b. Confidential Filers					

If not applicable, specify why. \_\_\_\_\_

If “never” or “in some cases,” please explain further: \_\_\_\_\_

~~30~~.28. How often, within the 15-day deadline, did the human resources office(s) notify the DAEO of terminations from public financial disclosure filing positions (5 C.F.R. 2638.105(a)(2))?

	In All Cases	In Most Cases	In Some Cases	Never	Not Applicable (specify why, below)
a. Public Filers					

If not applicable, specify why. \_\_\_\_\_

If “never” or “in some cases,” please explain further: \_\_\_\_\_

~~31~~.29. Did your agency use an electronic financial disclosure filing system (e-filing system) in calendar year 2019? Note: This includes *Integrity*.

- Yes
- No (*skip to Additional Comments for this Part*)

~~32~~.30. Which system did your agency use?

- Integrity* ONLY (*skip to Additional Comments for this Part*)
- Integrity and* Other (specify) \_\_\_\_\_
- Other ONLY (specify) \_\_\_\_\_

33.31. Indicate for which forms your agency used the “Other” e-filing system. Check all that apply.

- Public Financial Disclosure (OGE Form 278e)  
Provide the name of the other system: \_\_\_\_\_
- Periodic Transactions (OGE Form 278-T)  
Provide the name of the other system: \_\_\_\_\_
- Confidential Financial Disclosure (OGE Form 450, ~~450A~~, or OGE-approved alternative form)  
Provide the name of the other system: \_\_\_\_\_

34.32. Indicate your FY 2019 actual costs for using the e-filing system. Note: Because OGE does not charge fees to use *Integrity*, there are no reportable costs associated with the use of *Integrity*.

	Public (do not include <i>Integrity</i> )	Confidential	
a. Amount paid to a non-federal vendor in FY 2019			
b. Amount paid to a federal agency in FY 2019			
c. Amount for all internal costs associated with operating an e-filing system (e.g., FTE, overhead, etc.) in FY 2019			
Total FY 2019 actual costs			

35.33. Indicate the number of filers who filed electronically in fiscal year 2019.

	Public (excluding filers in <i>Integrity</i> )	Confidential
Number of financial disclosure filers, not reports, who filed electronically in FY 2019		

**ADDITIONAL COMMENTS FOR PART 7.** Please indicate the question number to which the comment corresponds.

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**PART 8. PUBLIC FINANCIAL DISCLOSURE**

36.34. Report the number of public financial disclosure reports (OGE Form 278e) required to be filed by December 31, 2019, *excluding SGEs*, and the number of reports actually filed (i.e., received) by December 31, 2019.

OGE Form 278e Reports		PAS <sup>2</sup>	Non-Career SES <sup>3</sup>	Career SES <sup>3</sup>	Schedule C	Other <sup>4</sup>	TOTAL
a. Nominee/ New Entrant	Required						
	Filed						
b. Annual	Required						
	Filed						
c. Termination	Required						
	Filed						
d. Combination <sup>1</sup>	Required						
	Filed						
Total	Required						
	Filed						

<sup>1</sup> Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.  
<sup>2</sup> Presidential appointees confirmed by the Senate.  
<sup>3</sup> Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.  
<sup>4</sup> Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), administratively-determined positions, officials in the Executive Office of the President who do not otherwise meet the criteria of another category in the chart, etc.

*Example for new entrant and termination reports:* If an employee joined/departed the agency on December 15, 2019, and the employee filed a new entrant/termination report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, 2020, the employee has not filed a new entrant/termination report, do not count that report in your required numbers. Instead, include the employee in your 2020 questionnaire response to be filed in 2021.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed.

35. Note the number of public financial disclosure reports certified or otherwise closed during the calendar year. *Exclude reports of SGEs.* Of those reports, indicate how many were initially reviewed within 60 days and how many were certified within 60 days. “Initially reviewed within 60 days” means having completed a full technical review and conflicts analysis. See 5 C.F.R. 2634.605.

<u>OGE Form 278e Reports</u>		<u>PAS<sup>2</sup></u>	<u>Non-Career SES<sup>3</sup></u>	<u>Career SES<sup>3</sup></u>	<u>Schedule C</u>	<u>Other<sup>4</sup></u>	<u>TOTAL</u>
<u>a. Nominee/ New Entrant</u>	<u>How many reports were certified or closed in 2019?</u>						
	<u>Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>						
	<u>Of those certified/closed in 2019, how many were certified or closed within 60 days?</u>						
<u>b. Annual</u>	<u>How many reports were certified or closed in 2019?</u>						
	<u>Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>						
	<u>Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>						
<u>c. Termination</u>	<u>How many reports were certified or closed in 2019?</u>						
	<u>Of those certified/closed in 2019, how many were initially</u>						

	<u>reviewed within 60 days?</u>						
	<u>Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>						
<u>d. Combination<sup>1</sup></u>	<u>How many reports were certified or closed in 2019?</u>						
	<u>Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>						
	<u>Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>						
<u>TOTAL</u>	<u>How many reports were certified or closed in 2019?</u>						
	<u>Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>						
	<u>Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>						

<sup>1</sup> Includes reports filed to satisfy both annual and termination requirements, as well as new entrant and termination requirements.

<sup>2</sup> Presidential appointees confirmed by the Senate.

<sup>3</sup> Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

<sup>4</sup> Includes members of the Uniformed Services, Administrative Law Judges, Senior Level employees (SES Equivalent), administratively-determined positions, officials in the Executive Office of the President who do not otherwise meet the criteria of another section, etc.

If applicable, please explain why some reports were reviewed more than 60 days after submission.

If applicable, please explain why some reports were certified/closed more than 60 days after submission. Check all that apply.

- additional information was being sought
- remedial action was being taken
- other (specify) \_\_\_\_\_

37.36. Number of periodic transaction reports filed, *excluding those filed by SGEs*: \_\_\_\_\_

Note: Count the total number of periodic transaction reports filed. *Example 1:* If two employees each file 5 periodic transaction reports during the calendar year, report “10” in the table above. *Example 2:* If an employee files one report each month, each report is counted separately. Report “12” in the table.

38.37. Extension and late fees for new entrant, annual, termination, and combination public financial disclosure reports and periodic transaction reports, *excluding those for reports filed by SGEs*.

	Granted Filing Extension	Granted Waiver of Late Filing Fee	Paid Late Filing Fee
a. Number of OGE Form 278e Reports			
b. Number of OGE Form 278-T Reports			

39.38. Number of public financial disclosure filers reported in calendar year 2019 to the Attorney General for failure to file: \_\_\_\_\_

40. How many requests for public financial disclosure reports did you receive in 2019? Count each OGE Form 201 as one request, even if it contains a request for documents for multiple individuals. \_\_\_\_\_

41.39.

**ADDITIONAL COMMENTS FOR PART 8.** Please indicate the question number to which the comment corresponds.

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**PART 9. CONFIDENTIAL FINANCIAL DISCLOSURE**

42-40. Report the number of confidential financial disclosure reports required to be filed by December 31, 2019, *excluding SGEs*, and the number of reports actually filed by December 31, 2019.

	a. Required	b. Filed	
		450	
		<del>450A</del>	
		OGE-approved alternative form	
Total			

*Example for new entrant reports:* If an employee started at the agency on December 15, 2019, and filed a new entrant report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, 2020, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the employee in your 2020 questionnaire response to be filed in 2021.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed. \_\_\_\_\_

41. Note the number of confidential financial disclosure reports certified or otherwise closed during the calendar year. Exclude reports of SGEs. Of those reports, indicate how many were initially reviewed within 60 days and how many were certified within 60 days. "Initially Reviewed within 60 days" means having completed a full technical review and conflicts analysis. See 5 C.F.R. 2634.605.

	<u>How many reports were certified or closed in 2019?</u>	<u>Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>	<u>Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>
<u>a. 450 and OGE-approved alternative</u>			

If applicable, please explain why some reports were reviewed more than 60 days after submission.

If applicable, please explain why some reports were certified/closed more than 60 days after submission. Check all that apply.

- additional information was being sought
- remedial action was being taken
- other (specify) \_\_\_\_\_

43.42. Number of OGE 450, ~~450A~~, or OGE-approved alternative forms granted filing extensions in 2019: \_\_\_\_\_

**ADDITIONAL COMMENTS PART 9.** Please indicate the question number to which the comment corresponds.

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**PART 10. ENFORCEMENT OF STANDARDS OF CONDUCT AND CRIMINAL AND CIVIL STATUTES**

44.43. Number of disciplinary actions taken in 2019 based wholly or in part upon violations of the Standards of Conduct provisions (5 C.F.R. part 2635) or your agency's supplemental Standards (if applicable) ~~in 2018~~. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents: \_\_\_\_\_

Of those, how many were disciplinary actions were taken wholly or in part upon violations of:

- \_\_\_\_ Subpart A (General Provisions)
- \_\_\_\_ Subpart B (Gifts from Outside Sources)
- \_\_\_\_ Subpart C (Gifts Between Employees)
- \_\_\_\_ Subpart D (Conflicting Financial Interests)
- \_\_\_\_ Subpart E (Impartiality in Performing Official Duties)
- \_\_\_\_ Subpart F (Seeking Other Employment)
- \_\_\_\_ Subpart G (Misuse of Position)
- \_\_\_\_ Subpart H (Outside Activities)
- \_\_\_\_ Agency's supplemental Standards of Conduct

45.44. Number of disciplinary actions taken in 2019 based wholly or in part upon violations of the criminal conflict of interest statutes (18 U.S.C. sections 203, 205, 208, and 209), failure to file or filing false public financial disclosures (5 U.S.C. app. section 104 or 18 U.S.C. section 1001), a civil matter involving outside earned income (5 U.S.C. app. section 501), or outside activities (5 U.S.C. app. section 502), ~~in 2018~~. For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents: \_\_\_\_\_

Of those, how many were disciplinary actions taken based wholly or in part upon violations of:

- \_\_\_\_ 18 U.S.C. section 203 (Compensation in Matters Affecting the Government)
- \_\_\_\_ 18 U.S.C. section 205 (Claims Against and Matters Affecting the Government)
- \_\_\_\_ 18 U.S.C. section 208 (Acts Affecting a Personal Financial Interest)
- \_\_\_\_ 18 U.S.C. section 209 (Supplementation of Salary)
- \_\_\_\_ 5 U.S.C. app. section 104 or 18 U.S.C. section 1001 (Failure to file or filing false public financial disclosures)
- \_\_\_\_ 5 U.S.C. app. section 501 (outside earned income)
- \_\_\_\_ 5 U.S.C. app. section 502 (outside activities)

46-45. Number of referrals made to the Department of Justice of potential violations in 2019 of the conflict of interest statutes (18 U.S.C. sections 203, 205, 207, 208, 209), failure to file or filing false public financial disclosures (5 U.S.C. app. section 104 or 18 U.S.C. section 1001), a civil matter involving outside earned income ~~under~~ (5 U.S.C. app. section 501), or outside activities ~~under~~ (5 U.S.C. app. section 502) ~~in 2018~~: \_\_\_\_\_

DOJ Referrals

- a. How many of those referrals were accepted for prosecution \_\_\_\_\_
- b. How many of those referrals were declined for prosecution \_\_\_\_\_
- c. How many of those referrals were pending DOJ's decision as of December 31, 2019 \_\_\_\_\_

Disciplinary Action

- a. How many of those referrals resulted in disciplinary or corrective action \_\_\_\_\_
- b. How many of those referrals resulted in a determination not to take disciplinary or corrective action \_\_\_\_\_
- c. How many of those referrals are pending a determination as to whether disciplinary or corrective action will be taken \_\_\_\_\_
- d. How many of those referrals involved employees who left the agency before the agency determined whether or not to take disciplinary action \_\_\_\_\_

47-46. Did your agency submit all referral(s) and disposition(s) of the referral(s) to OGE via OGE Form 202 (as required by 5 C.F.R. 2638.206(a))?

- Yes
- No (specify why) \_\_\_\_\_
- Not applicable because no covered referrals were made to DOJ
- Not applicable (specify why) \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 10.** Please indicate the question number to which the comment corresponds.

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**PART 11. ETHICS PLEDGE ASSESSMENT**

48.47. Were any full-time non-career appointees (e.g., Presidentially Appointed Senate Confirmed (PAS), Presidentially Appointed (PA), non-career Senior Executive Service (SES), Schedule C, etc.) appointed to or by your agency from January 1 through December 31, 2019?

- Yes
- No (*skip to #51*)

Note: For guidance on what constitutes a full-time non-career appointee for purposes of the Ethics Pledge, see [LA-17-03](#) available at [www.oge.gov](http://www.oge.gov).

49.48. For each category of appointee, provide the number of full-time non-career appointees appointed between January 1 and December 31, 2019, and indicate the number who did and did not sign the Ethics Pledge. Note: Please include all appointees who did not sign, regardless of whether or not they were required to sign. Additional explanatory information is requested in the next question.

Number of Full-Time Non-Career Appointees	Type of Full-Time Non-Career Appointees by Category					
	PAS	PA	Non-career SES	Schedule C	Other	Total
a. Appointed 01/01/2019 – 12/31/2019						
i. Signed the Ethics Pledge <u>in 2019</u>						
ii. <u>Required to sign the Pledge in 2019 but signed in 2020</u>						
iii. Did not sign the Ethics Pledge						

If applicable, please explain discrepancies between the number appointed and the number who signed or did not sign the Pledge. \_\_\_\_\_

*If all appointees signed, skip to #50*

50.49. For each appointee who did not sign the Ethics Pledge, find the appropriate rationale(s) and indicate the total number of appointees who fit into that category.

Rationale for Not Signing the Ethics Pledge	Number and Type of Full-Time Non-Career Appointees Who Did Not Sign the Ethics Pledge					
	PAS	PA	Non-career SES	Schedule C	Other	Total
a. Occupy an exempt non-policymaking position (Schedule C or other comparable authority)						
b. Appointed without break in service after serving in another position for which the Ethics Pledge was already signed						
c. Other (please explain)						

If other, please explain. \_\_\_\_\_

51.50. How many appointees appointed between January 1 and December 31, 2019, and subject to the Ethics Pledge were registered lobbyists during the two years prior to their appointment? \_\_\_\_\_

52.51. Section 3 of Executive Order 13770 provides a waiver mechanism for the restrictions contained in the Ethics Pledge. Indicate below how many waivers were granted to appointees in your agency in 2019, the names of those individuals granted waivers in 2019, and which of the Pledge paragraphs were implicated.

	Number of Ethics Pledge Waivers Granted By Pledge Paragraph	Name(s) of Individual(s) Granted Ethics Pledge Waivers
a. Paragraph 1		
b. Paragraph 2		
c. Paragraph 3		
d. Paragraph 4		
e. Paragraph 5		
f. Paragraph 6		
g. Paragraph 7		
h. Paragraph 8		
i. Paragraph 9		
j. Other (please explain)		

If other, please explain. \_\_\_\_\_

53.52. Were there any violations of the Ethics Pledge during 2019?

- Yes
- No (*skip to Additional Comments for this Part*)

54.53. Please provide information on enforcement actions taken as a result of violations of the Pledge. \_\_\_\_\_

**ADDITIONAL COMMENTS FOR PART 11.** Please indicate the question number to which the comment corresponds.

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**PART 12. SPECIAL GOVERNMENT EMPLOYEES (SGEs)**

~~55.~~54. How many Special Government Employees (SGEs) did your agency have, in total, during calendar year 2019? \_\_\_\_\_ (if zero, skip to Additional Comments for this Part)

~~56.~~55. How many SGEs ~~servin~~g who was expected to serve for 60 days or less on a board, commission, or committee were required to receive Initial Ethics Training (IET) by December 31, 2019 (5 C.F.R. 2638.304(b)(2))? \_\_\_\_\_

a. How many of those SGEs received IET before or at the beginning of the first meeting?	
b. How many of those SGEs received IET after the first meeting?	
c. How many of those SGEs have not received IET as of today?	

If applicable, please explain why some SGEs received IET after the first meeting or have yet to receive IET. \_\_\_\_\_

57.56. Report the number of SGE public and confidential financial disclosure reports required to be filed by December 31, 2019, and the number of reports actually filed by December 31, 2019.

Public Reports (OGE Form 278e)	Confidential Reports (OGE Form 450 or OGE- Approved Alternative Form)		Public Reports (OGE Form 278e)	
	Required	Filed	Required	Filed
a. Advisory Committee Members (FACA)				
b. Advisory Committee Members (non-FACA)				
c. Experts/Consultants				
d. Board Members				
e. Commissioners				
f. Other				
TOTAL				

*Example for new entrant and termination reports:* If an employee joined/departed the agency on December 15, 2019, and filed a new entrant/termination report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, the employee has not filed a new entrant/termination report, do not count that report in your required numbers. Instead, include the employee in your 2020 questionnaire response to be filed in 2021.

If applicable, please explain discrepancies between the number of reports required to be filed and the actual number of reports filed. \_\_\_\_\_

57. Note the number of SGE disclosure reports certified or otherwise closed during the calendar year. Of those reports, indicate how many were initially reviewed within 60 days and how many were certified within 60 days. "Initially reviewed within 60 days" means having completed a full technical review and conflicts analysis. See 5 C.F.R. 2634.605.

	<u>Confidential Reports</u>	<u>Public Reports</u>
<u>a. How many reports were certified or closed in 2019?</u>		
<u>b. Of those certified/closed in 2019, how many were initially reviewed within 60 days?</u>		
<u>c. Of those certified/closed within 2019, how many were certified/closed within 60 days?</u>		

If applicable, please explain why some reports were reviewed more than 60 days after submission.

If applicable, please explain why some reports were certified/closed more than 60 days after submission. Check all that apply.

- additional information was being sought
- remedial action was being taken
- other (specify) \_\_\_\_\_

58. Number of SGEs excluded from all or a portion of the confidential filing requirements per 5 C.F.R. 2634.904(b): \_\_\_\_\_

59. Extensions and late filing fees for SGE financial disclosure reports:

	Granted filing extension	Granted waiver of late filing fee	Paid late filing fee
a. Number of OGE Form 278e Reports			
b. Number of OGE Form 450 or OGE-Approved Alternative Forms			

**ADDITIONAL COMMENTS FOR PART 12.** Please indicate the question number to which the comment corresponds.

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**ADDITIONAL QUESTIONNAIRE COMMENTS:**

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**Point of contact to answer OGE follow-up questions regarding this questionnaire:**

Name: \_\_\_\_\_

Title/Position: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

What is the preferred mailing address for the Agency Head, Designated Agency Ethics Official, Chief Human Capital Officer (or equivalent), and Inspector General:

Agency Head

Street:

City:

State:

Zipcode:

DAEO

Street:

City:

State:

Zipcode:

Chief Human Capital Officer (or equivalent)

Street:

City:

State:

Zipcode:

Inspector General

Not applicable

Street:

City:

State:

Zipcode: