



September 20, 2021
PA-21-04

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: 2021 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).¹ Agencies fulfill that obligation by submitting a response to the Annual Agency Ethics Program Questionnaire (“questionnaire”).

This Program Advisory explains how and when to submit the questionnaire response, describes the changes made from the 2020 questionnaire, and provides executive branch agencies with an advance copy of the 2021 questionnaire. The advance copy provides agencies time to coordinate among their ethics officials, human capital officers, and Inspectors General in order to prepare complete and accurate responses. In addition, this Advisory explains how OGE uses the data and reminds agencies of the public availability of the questionnaire responses.

I. How and When to Submit a Response

The responses to the 2021 questionnaire are due to OGE by February 1, 2022.

In January 2022, OGE will email Designated Agency Ethics Officials (DAEOs) and their Alternates (ADAEOs) a link to the online form that agencies will use to submit their response to the questionnaire. Agencies must submit their responses electronically through the online form. 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.

The questionnaire covers the 2021 calendar year (January 1, 2021, through December 31, 2021), except as specified.

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



II. Highlights of Changes to the Questionnaire

In the 2021 questionnaire, OGE substantively modified 8 questions and added 3 new questions. Changes of note include the following:

- Q11 – now asks agencies to indicate whether outside entities evaluated their ethics programs, in addition to self-assessments. The question also specifically excludes OGE program reviews.
- Q16 – now asks about initial ethics briefings for all covered leaders, not just those who are “new” to the agency.
- Q17 – now excludes SGEs that were expected to serve less than 60 days on a board, commission, or committee from the number of employees required to receive initial ethics training because this information is captured in part 12.
- Q21 – explicitly captures the education options from 5 C.F.R. § 2638.309 and distinguishes between training for employees and training for ethics staff.
- Part 11 (Ethics Pledge) – now reflects the requirements of the current Administration’s Ethics Pledge, contained in Executive Order 13989.

OGE also deleted 2 questions and, to improve clarity and eliminate ambiguities, made a handful of non-substantive changes. The attached advance copy of the questionnaire shows the substantive changes in redline.

III. How OGE Uses the Data

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.

IV. Public Availability

OGE will continue to make individual agency responses, as well as a summary report, publicly available on its website (www.oge.gov). Previous questionnaire responses can be found at <https://www.oge.gov/web/OGEnsf/Agency%20Ethics%20Documents%20Search%20Collection?OpenForm> and summary reports may be found at: https://www.oge.gov/web/oge.nsf/accessdocs_summary-reports.

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.

Attachment

*United States
Office of Government Ethics*

2021 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, 2022. (5 C.F.R. 2638.207(a)).

PART 2. INSTRUCTIONS

Your response to this questionnaire should reflect the 2021 calendar year (i.e., 1/1/2021 through 12/31/2021), 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, and to explain significant changes from your 2020 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, 2021: _____
3. Information about the Designated Agency Ethics Official (DAEO):

| | |
|---|--|
| a. Vacant (as of December 31, 2021)? | <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"/> 0 (the agency head is the DAEO) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 or more |

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

| | |
|---|--|
| a. Vacant (as of December 31, 2021)? | <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 |

5. Number of employees, including the DAEO and ADAEO, who performed ethics program duties in 2021 (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 | | | | | | |
| TOTAL | | | | | | |

*FTE = Full Time Equivalent

Example: The table below provides an example of an agency with 13 employees that performed ethics program duties in 2021.

| 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 |
| TOTAL | 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? Do not include contractors, OGE support, or OMB support of MAX.gov.
- Yes
Please provide the name(s) 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 name(s) of the board, commission, or agency: _____
Describe the services or support provided: _____
 - No
9. Does your agency's ethics program need additional resources? Check all that apply.
- No additional resources needed
 - Human Capital
 - Technology
 - Other (specify) _____
10. Did the agency head meet with the ethics staff to discuss the strengths and weaknesses of the ethics program in 2021?
- Yes
 - No
 - Not applicable (specify why) _____

11. Did your agency (e.g., ethics office, Inspector General, General Counsel, etc.) or any entity outside of your agency (e.g., GAO or private auditing firm) evaluate any aspect of the ethics program in 2021 (5 C.F.R. 2638.104(c)(16))? Exclude program reviews conducted by OGE. Select all that apply.

- ~~Yes~~
- My agency (e.g., ethics office, Inspector General, General Counsel, etc.) conducted an evaluation
- An entity outside of my agency, other than OGE, (e.g., GAO or a private auditing firm) conducted an evaluation (please describe _____)
- No evaluation was conducted (skip to #1413)

~~12. To whom were the results reported? Select all that apply.~~

- ~~Agency Head~~
- ~~DAEO~~
- ~~General Counsel~~
- ~~Inspector General~~
- ~~Other (specify) _____~~

~~13.12.~~ What kind of changes resulted from the assessment/evaluation?

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

~~14.13.~~ 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))
- 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. Explain what steps you are taking to implement the required written procedures: _____

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

PART 5. EDUCATION AND TRAINING

15.14. Did the office(s) responsible for issuing ethics notices to prospective employees, pursuant to 5 C.F.R. 2638.303, provide the DAEO with the written confirmation required pursuant to 5 C.F.R. 2638.310?

- Written confirmation not required because my agency has less than 1,000 employees
- Written confirmation not required because the DAEO’s office is responsible for issuing ethics notices to prospective employees
- All of the offices provided written confirmation to the DAEO (*skip to #1716*)
- Some of the offices provided written confirmation to the DAEO (*explain why not all offices, then skip to #1716*) _____
- None of the offices provided written confirmation to the DAEO (*explain why not all offices, then skip to #1716*) _____

16.15. 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 (please explain why not all offers)
- None of the written offers included the required information (please explain why not all offers)
- Not applicable because no offers of employment were made
- Not applicable for another reason (please explain) _____

17.16. Initial Ethics Briefing

| | |
|---|--|
| <u>a.</u> How many <u>new</u> agency leaders, as defined in 5 C.F.R. 2638.305(a), were required to receive ethics briefings by December 31, 2021? Exclude SGES that were expected to serve less than 60 days on a board, commission, or committee. | |
| <u>ai.</u> How many new agency leaders received their briefing within 15 days of their appointment? | |
| <u>ii.</u> How many new agency leaders received their briefing beyond the 15-day requirement? | |
| <u>iii.</u> How many new agency 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. _____

18.17. Initial Ethics Training

| | |
|--|--|
| <p><u>a.</u> How many employees, <u>including SGEs as defined in 5 C.F.R. 2638.304(a)</u>, were required to receive Initial Ethics Training (IET) by December 31, 2021 (5 C.F.R. 2638.304)? <u>Exclude SGEs that were expected to serve less than 60 days on a board, commission, or committee. (Note: Include employees who were excluded not required, under 5 C.F.R. 2638.304(a)(2), from the requirement to receive the interactive portion of the IET, as provided in 5 C.F.R. 2638.304(a)(2).)</u></p> | |
| <p><u>ai.</u> How many of those employees received IET within the 3-month requirement?</p> | |
| <p><u>ii.</u> How many of those employees received IET beyond the 3-month requirement?</p> | |
| <p><u>iii.</u> How many of those employee have not received IET as of today?</p> | |

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, 2021, 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, 2022, the employee has not completed IET, do not count that employee in your required numbers. Instead, include the employee in your 2022 questionnaire response to be filed in 2023.

19.18. Did the office(s) delegated the responsibility for providing initial ethics training (IET) provide the required written confirmation to the DAEO, pursuant to 5 C.F.R. 2638.310?

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

20.19. Did the head of the agency complete either initial ethics training and/or annual ethics training in 2021?

- Yes

- No (specify why) _____
- Not applicable (specify why) _____

21-20. 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 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: _____

~~22. Did your DAEO establish additional requirements for the agency's ethics education program, beyond those described in 5 CFR 2638.303-308? For example, did your DAEO establish specific government ethics training requirements for groups of agency employees?~~

- ~~Yes (please describe): _____~~
- ~~No~~

21. Did your agency establish additional requirements for the agency's ethics education program, pursuant to 5 C.F.R. 2638.309?:

- My agency established additional training requirements for employees performing ethics duties described in 5 C.F.R. 2638.104-105 (ethics and human resources officials)? Please describe: _____
- My agency established additional training requirements for other groups of employees, beyond those described in 5 C.F.R. 2638.303-308 (notices to new

employees and supervisors, initial ethics training, ethics briefings, annual ethics training)? Please describe:

- My agency established additional training procedures (e.g., certification procedures). See 5 C.F.R. 2638.309(c). Please describe:
- No, my agency did not establish additional training requirements

23-22. 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

24-23. 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.

PART 6. ADVICE, COUNSELING, AND REMEDIES

25-24. From the list below, select the three topics that your employees most frequently sought guidance on in 2021. Please rate them in order, so that the first topic is 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)_____ |

26-25. Number of notification statements of negotiation or recusal under section 17(a) of the STOCK Act submitted to the ethics office in 2021 (see 5 C.F.R. 2635.602(a)): _____

27-26. Number of 18 U.S.C. 208 waivers granted in 2021:

| | Number Granted in 2021 | 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.

PART 7. FINANCIAL DISCLOSURE PROGRAM MANAGEMENT AND ELECTRONIC FILING SYSTEMS

~~28-27.~~ 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 (specify why, below) | Never (specify why, below) | 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: _____

~~29-28.~~ 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 (specify why, below) | Never (specify why, below) | Not Applicable (specify why, below) |
|------------------|--------------|---------------|------------------------------------|----------------------------|-------------------------------------|
| a. Public Filers | | | | | |

If not applicable, specify why. _____

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

~~30.~~ Did your agency use an electronic financial disclosure filing system in calendar year 2021? *Note: For example, this includes Integrity, but would not include a mere digital signature of a PDF fillable form.*

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

~~31-29.~~ Which electronic filing system(s) ~~did~~ does your agency use?

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

32.30. Indicate for which forms your agency use~~s~~ 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 or OGE-approved alternative form)
Provide the name of the other system: _____

33.31. Indicate your FY 2021 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 2021 | <input type="checkbox"/> Don't know/don't track | <input type="checkbox"/> Don't know/don't track |
| b. Amount paid to a federal agency in FY 2021 | <input type="checkbox"/> Don't know/don't track | <input type="checkbox"/> Don't know/don't track |
| c. Amount for all internal costs associated with operating an e-filing system (e.g., FTE, overhead, etc.) in FY 2021 | <input type="checkbox"/> Don't know/don't track | <input type="checkbox"/> Don't know/don't track |
| Total FY 2021 actual costs | | |

34.32. Indicate the number of filers who filed electronically in fiscal year 2021.

| | Public (excluding filers in <i>Integrity</i>) | Confidential |
|---|---|--------------|
| Number of financial disclosure filers, not reports, who filed electronically in FY 2021 | | |

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

PART 8. PUBLIC FINANCIAL DISCLOSURE

35-33. Report the number of public financial disclosure reports (OGE Form 278e) required to be filed by December 31, 2021, **excluding SGEs**, and the number of reports actually filed (i.e., received) by December 31, 2021.

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

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

² Presidential appointees confirmed by the Senate.

³ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁴ 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 ~~/~~ (or departed) the agency on December 15, 2021, and the employee filed a new entrant ~~/~~ (or termination) report prior to the end of the calendar year, include the report in your required and filed numbers. If, on January 1, 2022, the employee has not filed a new entrant ~~/~~ (or termination) report, do not count that report in your required numbers. Instead, include the report in your 2022 questionnaire response to be filed in 2023.

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

36.34. Note the number of public financial disclosure reports certified or otherwise closed by your agency 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 technical review and conflicts analysis. See 5 C.F.R. 2634.605 and section 4.02 of the Public Financial Disclosure Guide.

| OGE Form 278e Reports | | PAS ² | Non-Career SES ³ | Career SES ³ | Schedule C | Other ⁴ | TOTAL |
|-----------------------|---|------------------|-----------------------------|-------------------------|------------|--------------------|-------|
| a. New Entrant | How many reports did your agency certify or close in 2021? | | | | | | |
| | Of those certified or closed in 2021, how many were initially reviewed within 60 days? | | | | | | |
| | Of those certified or closed in 2021, how many were certified or closed within 60 days? | | | | | | |
| b. Annual | How many reports did your agency certify or close in 2021? | | | | | | |
| | Of those certified or closed in 2021, how many were initially reviewed within 60 days? | | | | | | |
| | Of those certified or closed in 2021, how many were certified or closed within 60 days? | | | | | | |
| c. Termination | How many reports did your agency certify or close in 2021? | | | | | | |
| | Of those certified or closed in 2021, how | | | | | | |

| | | | | | | | |
|-----------------------------|---|--|--|--|--|--|--|
| | many were initially reviewed within 60 days? | | | | | | |
| | Of those certified or closed in 2021, how many were certified or closed within 60 days? | | | | | | |
| d. Combination ¹ | How many reports did your agency certify or close in 2021? | | | | | | |
| | Of those certified or closed in 2021, how many were initially reviewed within 60 days? | | | | | | |
| | Of those certified or closed in 2021, how many were certified or closed within 60 days? | | | | | | |
| TOTAL | How many reports did your agency certify or close in 2021? | | | | | | |
| | Of those certified or closed in 2021, how many were initially reviewed within 60 days? | | | | | | |
| | Of those certified or closed in 2021, how many were certified or closed within 60 days? | | | | | | |

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

² Presidential appointees confirmed by the Senate.

³ Senior Executive Service, Senior Foreign Service, Senior Cryptologic Service, Defense Intelligence Senior Executive Service, etc.

⁴ 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 or closed more than 60 days after submission. Check all that apply.

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

37-35. 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.

38-36. 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 | | | |

39-37. Number of public financial disclosure filers reported in calendar year 2021 to the Attorney General for failure to file: _____

40-38. How many requests for public financial disclosure reports did you receive in 2021? Count each OGE Form 201 as one request, even if it contains a request for documents for multiple individuals. _____

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

PART 9. CONFIDENTIAL FINANCIAL DISCLOSURE

41.39. Report the number of confidential financial disclosure reports required to be filed by December 31, 2021, **excluding SGEs**, and the number of reports actually filed by December 31, 2021.

| | a. Required | b. Filed | |
|-------|-------------|-------------------------------|--|
| | | OGE Form 450 | |
| | | | |
| | | OGE-approved alternative form | |
| Total | | | |

Note: If a 450 filer leaves the filing position before the due date, the report is not required per 5 C.F.R. 2634.903(a).

Example for new entrant reports: If an employee started at the agency on December 15, 2021, 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, 2022, the employee has not filed a new entrant report, do not count that report in your required numbers. Instead, include the report in your 2022 questionnaire response to be filed in 2023.

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

42.40. Note the number of confidential financial disclosure reports certified or otherwise closed by your agency 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 technical review and conflicts analysis. See 5 C.F.R. 2634.605 and the Certification Requirements section of the Confidential Financial Disclosure Guide.

| | How many reports did your agency certify or close in 2021? | Of those certified or closed in 2021, how many were initially reviewed within 60 days? | Of those certified or closed in 2021, how many were certified or closed within 60 days? |
|--|--|--|---|
| | | | |

| | | | |
|--|--|--|--|
| a. OGE Form 450 and OGE-approved alternative | | | |
|--|--|--|--|

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

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

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

43.41. Number of OGE 450 or OGE-approved alternative forms granted filing extensions in 2021: _____

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

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

44.42.

Number of disciplinary actions taken in 2021 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). For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents

| | |
|--|--|
| <u>a.</u> Total number of disciplinary actions that met the above criteria | |
|--|--|

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

| | |
|--|--|
| <u>i.</u> Subpart A (General Provisions) | |
| <u>ii.</u> Subpart B (Gifts from Outside Sources) | |
| <u>iii.</u> Subpart C (Gifts Between Employees) | |
| <u>iv.</u> Subpart D (Conflicting Financial Interests) | |
| <u>v.</u> Subpart E (Impartiality in Performing Official Duties) | |
| <u>vi.</u> Subpart F (Seeking Other Employment) | |
| <u>vii.</u> Subpart G (Misuse of Position) | |
| <u>viii.</u> Subpart H (Outside Activities) | |
| <u>iv.</u> Agency’s supplemental Standards of Conduct | |

45.43. Number of disciplinary actions taken in 2021 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), civil matters involving outside earned income (5 U.S.C. app. section 501), or outside activities (5 U.S.C. app. section 502). For purposes of this question, disciplinary actions include removals, demotions, suspensions, and written reprimands or their equivalents

| | |
|--|--|
| <u>a.</u> Disciplinary actions taken based on violation of ethics laws | |
|--|--|

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

| | |
|--|--|
| <u>i.</u> 18 U.S.C. section 203 (Compensation in Matters Affecting the Government) | |
|--|--|

| | |
|--|--|
| <u>ii.</u> 18 U.S.C. section 205 (Claims Against and Matters Affecting the Government) | |
| <u>iii.</u> 18 U.S.C. section 208 (Acts Affecting a Personal Financial Interest) | |
| <u>iv.</u> 18 U.S.C. section 209 (Supplementation of Salary) | |
| <u>v.</u> 5 U.S.C. app. section 104 or 18 U.S.C. section 1001 (Failure to File or Filing False Public Financial Disclosures) | |
| <u>vi.</u> 5 U.S.C. app. section 501 (Outside Earned Income) | |
| <u>vii.</u> 5 U.S.C. app. section 502 (Outside Activities) | |

46.44. Number of referrals made in 2021 to the Department of Justice of potential violations 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), civil matters involving outside earned income (5 U.S.C. app. section 501) or outside activities (5 U.S.C. app. section 502)

| | |
|--|--|
| <u>a.</u> Referrals to Department of Justice | |
|--|--|

Of the referrals to DOJ (line a.), please note the DOJ referral status

| | |
|--|--|
| <u>b.</u> DOJ Referral Status | |
| <u>i.</u> How many of those referrals were accepted for prosecution? | |
| <u>ii.</u> How many of those referrals were declined for prosecution? | |
| <u>iii.</u> How many of those referrals were pending DOJ's decision as of December 31, 2021? | |

Of the referrals to DOJ (line a.), please note the agency disciplinary status

| | |
|---|--|
| <u>c.</u> Agency Disciplinary Action Status | |
| <u>i.</u> Of the cases referred to DOJ, how many resulted in disciplinary or corrective action? | |
| <u>ii.</u> Of the cases referred to DOJ, how many resulted in a determination not to take disciplinary or corrective action? | |
| <u>iii.</u> Of the cases referred to DOJ, how many are pending a determination as to whether disciplinary or corrective action will be taken? | |

| | |
|--|--|
| <p><u>iv.</u> Of the cases referred to DOJ, how many involved employees who left the agency before the agency determined whether or not to take disciplinary action?</p> | |
| <p><u>v.</u> Of the cases referred to DOJ, how many involved 18 U.S.C. 207, such that there was no option for disciplinary action?</p> | |

47-45. Did your agency notify OGE of all referral(s) and disposition(s) of the referral(s) 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.

PART 11. ETHICS PLEDGE ASSESSMENT (Executive Order 13989 (“Ethics Pledge”))

48.46. 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 20 through December 31, 2021?

- Yes
- No (*skip to #5148*)

Note: For guidance on what constitutes a full-time non-career appointee for purposes of the Ethics Pledge, see LA-17-03LA-21-07.

49.47. For each category of appointee, provide the number of full-time non-career appointees appointed between January 120 and December 31, 2021, and indicate the number who did and did not sign the Ethics Pledge.

| 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/ <u>120</u> /2021 – 12/31/2021 | | | | | | |
| i. Signed the Ethics Pledge in 2021 | | | | | | |
| ii. Required to sign the Pledge in 2021 but signed in 2022 | | | | | | |
| iii. Required to sign the Pledge, but did not sign (please explain) | | | | | | |
| iv. Not required to sign the Pledge because occupied an exempt non-policymaking position (Schedule C or other comparable authority) | | | | | | |
| v. Not required to sign the Pledge because appointed without | | | | | | |

| | | | | | | | |
|-----|---|--|--|--|--|--|--|
| | break in service after serving in another position for which the Ethics Pledge was already signed | | | | | | |
| vi. | Not required to sign for another reason (please explain) | | | | | | |

For each appointee identified in line iii, please explain why that appointee did not sign the Pledge. _____

For each appointee identified in line vi, please explain why that appointee was not required to sign the Pledge. _____

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

48. Holdover appointments

a. How many individuals appointed in a prior administration stayed on in their position ("holdover appointees") beyond 100 days? Note: For guidance on what constitutes a "holdover appointee" for purposes of the Ethics Pledge, see DO-09-010, DO-09-014, LA-21-05, and LA-21-07.

_____ (If zero, skip to Q49)

b. Of the holdover appointees who stayed beyond 100 days, how many signed the Pledge? _____

c. For those who did not sign the Pledge, please explain why not: _____

50.49. How many appointees appointed between January 20 and December 31, 2021, and subject to the Ethics Pledge were registered lobbyists and/or registered under the Foreign Agents Registration Act during the two years prior to their appointment? For purposes of this question, please include individuals appointed between January 20 and December 31, 2021, and subject to the Ethics Pledge, as well as holdover appointees subject to the Pledge. _____ (if 0 skip to Q52)

50. How many of the appointees identified in your response to the previous question as registered lobbyists and/or registered under the Foreign Agents Registration Act during the two years prior to their appointment have an ethics agreement addressing their obligations under paragraph 3 of the Ethics Pledge? _____

51. For any appointee identified in your response to question 49 who does not have an ethics agreement, please provide their name and an explanation. (e.g., Pledge paragraph 3 not reasonably expected to limit participation in any agency matters because appointee's duties sufficiently unrelated to prior lobbying activities.)

51-52. Section 3 of Executive Order 13989 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 2021, the names of those individuals granted waivers in 2021, 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. _____

52-53. Were there any violations of Executive Order 13989 during 2021?

- Yes
- No

53-54. Please provide information on enforcement actions taken in 2021 as a result of violations of the Executive Order 13989 Pledge ~~(regardless of whether the violation itself took place in 2021 or earlier).~~ _____

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

PART 12. SPECIAL GOVERNMENT EMPLOYEES (SGEs)

54.55. How many Special Government Employees (SGEs) did your agency have, in total, during calendar year 2021? _____ (if zero, skip to Additional Comments for this Part)

55.56. Initial Ethics Training

| | |
|--|--|
| a. How many SGEs who were 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, 2021 (5 C.F.R. 2638.304(b)(2))? | |
| ai. How many of those SGEs received IET before or at the beginning of the first meeting? | |
| ii. How many of those SGEs received IET after the first meeting? | |
| iii. 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. _____

56.57. Report the number of SGE public and confidential financial disclosure reports required to be filed by December 31, 2021, and the number of reports actually filed by December 31, 2021.

| | 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 ~~/~~ (or departed) the agency on December 15, 2021, and filed a new entrant ~~/~~ (or 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 (or/termination) report, do not count that report in your required numbers. Instead, include the report in your 2022 questionnaire response to be filed in 2023.

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

57-58. Note the number of SGE disclosure reports certified or otherwise closed by your agency 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 technical review and conflicts analysis. See 5 C.F.R. 2634.605, section 4.02 of the Public Financial Disclosure Guide, and the Certification Requirements section of the Confidential Financial Disclosure Guide.

| | Confidential Reports | Public Reports |
|--|----------------------|----------------|
| a. How many reports did your agency certify or close in 2021? | | |
| b. Of those certified or closed in 2021, how many were initially reviewed within 60 days? | | |
| c. Of those certified or closed in 2021, how many were certified or closed within 60 days? | | |

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

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

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

58-59. Number of SGEs excluded from all or a portion of the confidential filing requirements per 5 C.F.R. 2634.904(b): _____

59-60. 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.

ADDITIONAL QUESTIONNAIRE COMMENTS:

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: