

National Progress Report for the 15th Meeting of the Committee of Experts of the MESICIC – United States

ROUND I ISSUES

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms

Recommendation:

Continue to improve the provisions, measures and mechanisms for enforcement relating to conflicts of interest.

In the following year, the United States Office of Government Ethics has undertaken the following to implement the recommendation:

- The U.S. Office of Government Ethics (OGE) has begun an assessment of agency compliance with the Ethics Pledge requirement of Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" (January 21, 2009). The assessment questionnaire was distributed to Designated Agency Ethics Officials (DAEO) on July 31, 2009 via email. Each agency was required to submit a response to the questionnaire by August 17, 2009.
- OGE continues annually to administer a survey to ethics officials throughout executive branch departments and agencies in order to assess the effectiveness of the services and support provided by OGE.
- OGE continues to encourage agencies to use, and assists them in the development of, self-assessment tools to evaluate employees' perceptions of their agencies' ethical culture and ethics program. For example, one of the training courses offered to ethics officials is entitled, "How to Conduct a Self Assessment with Surveys". For a list of currently offered OGE courses visit: http://www.oge.gov/training/training_workshops_seminars.aspx.
- OGE continues to monitor and review the implementation of executive branch agency ethics programs through on-site program reviews carried out by its Program Review Division. The reviews are accomplished in accordance with detailed review guidelines. Good practices identified during these reviews are shared with the executive branch ethics community via OGE's website.

2. SYSTEMS FOR REGISTRATION OF INCOME, ASSETS, AND LIABILITIES (ARTICLE III, PARAGRAPH 4, OF THE CONVENTION)

Recommendation:

Continue to strengthen the systems for registering income, assets and liabilities.

- OGE authorized agencies to allow digital signatures on the electronically fillable PDF version of the confidential financial disclosure form (OGE Form 450) as long as their agency's Chief

Information Officer (CIO) had approved a digital signature process. See

http://www.oge.gov/ethics_guidance/daeograms/dgr_files/2009/do09004.pdf

- During the presidential transition OGE implemented a series of measures related to the financial disclosure system, including new reporting policies related to the disclosure of senate-confirmed officials leaving office, advanced training for headquarters agency ethics officials who review the financial disclosure reports of presidential nominees for appointments requiring senate confirmation, and additional guidance to agency ethics official regarding the need to review financial disclosure forms of career officials temporarily filling in political positions. See the following:

http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2008/do08021.pdf

http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2008/dt08029.pdf

http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2008/do08040.pdf

Additional, pertinent news (not related specifically to any recommendation):

- Presidential Executive Order 13490, "Ethics Commitments by Executive Branch Personnel" was issued January 21, 2009. The Order requires every covered appointee to sign a pledge upon assuming office. The pledge includes provisions on gifts from lobbyists and certain restrictions on appointees and lobbyists entering and leaving government.
- The Judicial Conference revised its Code of Conduct for United States Judges, which took effect July 1, 2009. This was the first substantial Code revision since 1992.
http://www.uscourts.gov/Press_Releases/2009/0309JudicialConf.cfm
- In the first three quarters of fiscal year 2009, the U.S. Office of Government Ethics (OGE) gave classes to a total of 1,312 executive branch agency ethics officials. Classes covered more than 20 topics including how to review and certify financial disclosures, training for new ethics officials, and specific issues such as gifts, post-employment, and how to remedy conflicts of interests, among others. Thirteen additional training dates are scheduled for the last quarter of 2009.
- OGE release new instructor-led courseware entitled "Are You Vulnerable to Conflicts?" This instructor-led course is designed to increase employees' ability to identify financial conflict of interest situations. http://www.usoge.gov/training/training_materials/instructor_course.aspx
- OGE released a new job aid entitled "Determining Which Positions Should File A Confidential Financial Disclosure Report: A Worksheet". This job aid is designed to assist ethics officials in determining whether a career employee should file a Confidential Financial Disclosure Report (OGE Form 450). http://www.usoge.gov/training/training_materials/job_aids.aspx
- OGE published the booklet entitled "To Serve With Honor: A Guide on the Ethics Rules that Apply to Advisory Committee Members Serving as Special Government Employees"
http://www.usoge.gov/training/training_materials/booklets/bkServeHonor.pdf

ROUND II ISSUES

ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

While the U.S. received no recommendations regarding its implementation of this article of the Convention, we are happy to report the 2008 statistics for the Department of Justice Public Integrity Section's prosecutions of corrupt officials (including federal, state, and local-level officials) –

Charged:	1,304
Convicted:	1,129
Awaiting Trial:	489