

# THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED

## BY THE UNITED STATES

### ARTICLE 6 UNCAC

#### PREVENTIVE ANTI-CORRUPTION BODY OR BODIES

##### THE UNITED STATES (FIFTH MEETING)

In response to the request for information (CU 2014/52(A)/DTA/CEB) the United States is pleased to provide the following:

##### **(a) Mandates of anti-corruption body or bodies in respect of prevention (art.6)**

With regard to the mandates of anti-corruption bodies in respect of prevention (Article 6), the prevention of corruption at the federal level of the United States is a substantial part of the purpose of the programs of a number of bodies. For this request, we have chosen to highlight only one of those bodies, the US Office of Government Ethics. Having said that other bodies that have significant activities that help prevent of corruption in the topics covered by Article 6 include, but are not limited to:

- The US House of Representatives Committee on Ethics addresses the conduct of Members and staff and provides advisory services and education regarding the standards to which Members and staff are to adhere. <http://ethics.house.gov/jurisdiction>
- The US Senate Select Committee on Ethics addresses the conduct of Senators and staff and provides advisory services and education regarding the standards to which Senators and staff are to adhere. <http://www.ethics.senate.gov/public/index.cfm/jurisdiction>
- The Judicial Conference of the United States is the body through which federal court system governs the non-criminal conduct of its members. <http://www.uscourts.gov/FederalCourts/JudicialConference/Committees.aspx>
- The US Office of Personnel Management (OPM) is the central human resources agency for the Federal Government providing human resource advice and leadership to Federal agencies, supporting agencies with human resource policies, holding agencies accountable for their human resource practices, and upholding the merit system principles. <http://www.opm.gov/>
- The US Office of Special Counsel responsibilities include protecting Federal employees and applicants from prohibited personnel practices, including reprisal for Whistleblowing; providing a safe channel for federal employees to disclose wrongdoing; and enforcing restrictions on the political activity of federal employees and employees of certain state and local agencies. <http://www.osc.gov/>

- The Council of Inspectors General on Integrity and Efficiency (CIGIE) is responsible for addressing integrity, economy and effectiveness issues that transcend individual Government agencies. Individual agencies then have individual offices of the Inspectors General (OIGs). The individual Offices of Inspectors General maintain a "hot line" procedure established under the Inspector General Act of 1978. This hot line allows anyone to confidentially report allegations of fraud, abuse, waste or mismanagement by Federal employees, contractors or grantees. <http://www.ignet.gov/cigie1.html>

- The Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget plays a central role in shaping the policies and practices federal agencies use to acquire the goods and services they need to carry out their responsibilities. [http://www.whitehouse.gov/omb/procurement\\_default/](http://www.whitehouse.gov/omb/procurement_default/)

- The Office of Federal Financial Management (OFFM) in the Office of Management and Budget is responsible for the financial management policy of the Federal Government, including establishing government-wide financial management policies of executive agencies. [http://www.whitehouse.gov/omb/financial\\_default/](http://www.whitehouse.gov/omb/financial_default/)

- The Government Accountability Office is an independent, nonpartisan agency that works for Congress. Often called the "congressional watchdog," GAO investigates how the federal government spends taxpayer dollars. <http://www.gao.gov/>

- The Department of Justice's Office of Information Policy (OIP)) is responsible for encouraging agency compliance with the Freedom of Information Act (FOIA) and for ensuring that the President's FOIA Memorandum and the Attorney General's FOIA Guidelines are fully implemented across the government. <http://www.justice.gov/oip/index.html>

- The Committee Management Secretariat of the General Services Administration monitors agency compliance with the requirements for establishing, operating, overseeing and terminating advisory bodies that have been formed by agencies to secure objective advice from the public and from the private sector. <http://www.gsa.gov/portal/content/104514>

- The Financial Crimes Enforcement Network which establishes, oversees, and implements policies and programs that link law enforcement, financial and regulatory communities into a single information sharing network. <http://www.fincen.gov/>

## **The United States Office of Government Ethics**

### **I - Information requested from States parties in relation to mandates of anti-corruption body or bodies in respect of prevention (art. 6)**

- 1. Please describe the measures you have taken to implement art. 6 of the Convention.*

*In particular, States parties may wish to cite and describe measures that:*

- *Allocate responsibility to a specific body or bodies for the development and implementation of preventive anti-corruption policies;*
- *Outline the institutional structure and approach in relation to the monitoring and evaluation of the national anti-corruption strategy or anti-corruption policies;*
- *Outline the scope of the mandate of preventive anti-corruption bodies;*
- *Safeguard the independence of anti-corruption bodies, enable them to carry out their functions effectively and protect them from any undue influence;*
- *Establish focal points or units within government ministries and departments responsible for the implementation of anti-corruption policies;*
- *Establish structures to deal effectively with grievances and complaints from citizens, such as an anti-corruption commission, ethics office, auditor general's office, ombudsman office, central procurement office, etc;*

The U.S. Office of Government Ethics (OGE), established by the Ethics in Government Act of 1978, provides overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interests.

While OGE sets policy for the entire executive branch ethics program, the head of each agency has primary responsibility for implementation of the ethics program in that agency. To support the day-to-day activities of the ethics program, each agency head appoints individuals to serve as the agency's Designated Agency Ethics Official and Alternate Designated Agency Ethics Official. Depending on the size of the agency, there may be additional professional ethics staff that support the ethics program. Approximately 5,600 full-time and part-time ethics officials work in the executive branch to provide all executive branch employees assistance in detecting and resolving potential conflicts of interest.

OGE is led by a Director who is appointed to a five-year term by the President, with confirmation by the Senate. In addition to the Office of the Director, OGE is divided into four divisions that work in concert to carry out OGE's mission:

- The General Counsel and Legal Policy Division is responsible for (1) establishing and maintaining a legal framework for the executive branch ethics program, which includes standards of ethical conduct for employees of the executive branch; and (2) providing assistance to the President and the Senate in the Presidential appointment process.
- The Compliance Division is responsible for (1) managing elements of the public financial disclosure program; and (2) monitoring and reviewing agency ethics programs to ensure compliance with applicable ethics requirements established by statutes, rules, regulations, and Executive Orders.
- The Program Counsel Division is responsible for (1) coordinating and conducting outreach between OGE and its many stakeholders such as Congress, the Office of Management and Budget (OMB), government watchdog groups, and the public; (2)

developing and providing training to agency ethics officials; (3) carrying out initiatives that reach across executive branch agencies such as e-filing; (4) providing agency specific administrative and legal support to OGE; (5) managing OGE's budget, performance, and legislative affairs programs; and (6) supporting agency ethics officials, through its Desk Officer program, in carrying out the executive branch ethics program.

- The Internal Operations Division is responsible for supporting OGE's internal operations.

More information about the divisions is available at <http://www.oge.gov/About/Organization/>.

OGE has no role in the ethics programs of the legislative or judicial branches of the federal government. Similarly, OGE has no jurisdiction over state or local government ethics programs.

OGE does not conduct investigations into allegations of individual misconduct and cannot represent citizens in legal matters. For information about the legislative branch ethics program, visit <http://www.ethics.senate.gov/public/> and <http://ethics.house.gov/>. For information about the codes of conduct for federal judges, visit <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx>. For a list of state-level ethics oversight bodies, visit <http://www.ncsl.org/research/ethics/state-ethics-oversight-agencies.aspx>.

There are many ways in which OGE itself is held accountable. With respect to monitoring and evaluation, like all executive branch agencies, OGE is required to have in place a number of systems of internal controls, which include an annual independent financial audit and a process for assessing progress toward established performance goals. This information is submitted, annually, to the President and Congress in its Performance Accountability Report (PAR). Copies of OGE's most recent PARs are available at <http://www.oge.gov/About/Management-Reportsand-Policies/Performance-and-Strategic-Docs/Performance---Strategic-Documents/>.

There are various measures that help safeguard the independence and political neutrality of OGE.

First, the Director serves a five-year term, thereby guaranteeing a bridge across the Director's term and a four-year Presidential Administration. Second, with the typical exception of a Director's special assistant, all other OGE employees are career civil servants. This helps to prevent even an appearance of political influence over the agency. Third, Congress appropriates money to OGE in a public budgeting process and can provide more or less than the President has asked for in his annual budget.

***2. Please provide information demonstrating the impact of the work conducted by national bodies with mandates in respect of the prevention of corruption.***

*In particular, States parties may wish to provide information such as:*

- *Key conclusions and recommendations from reports prepared by anti-corruption bodies and institutions;*

On-site reviews of agency ethics programs are an important component of OGE's statutorily mandated oversight activities. The primary objective of reviews is to report on the strengths and vulnerabilities of the program by evaluating agency compliance with ethics requirements, and ethics-related systems, processes, and procedures. In fiscal year 2013, OGE completed plenary reviews and follow-up monitoring for more than 35 executive branch agencies. Copies of program review reports are available at [http://www.oge.gov/Program-Management/Program-Review/Program-Review-Reports/](http://www.oge.gov/Program-Management/Program-Review/Program-Review-Reports/Program-Review-Reports/).

- *Results of public perception surveys regarding the effectiveness and performance of the anticorruption body or bodies (bullet 2); Results from public awareness surveys of the extent of public knowledge about the prevention of corruption (bullet 3);*

Although it does not conduct public perception or awareness surveys, OGE substantially increased its efforts to reach audiences outside of the Federal government in fiscal year 2013. These audiences include members of the general public, state and local governments, private sector organizations, professional associations, government watchdog groups, the media, and foreign delegations. For example, OGE launched an official Twitter account (@officegovethics) to increase visibility of the executive branch ethics program by sharing information about the executive branch ethics with the public and media. Additionally, OGE continued to make public records readily available on its website. Specifically, in fiscal year 2013, OGE posted 1,013 public financial disclosure reports and 505 semiannual agency reports of travel payments accepted from non-Federal sources.

OGE also engages with good governance and watchdog groups. This direct, proactive communication ensures that these non-Federal organizations and, by extension, the general public, understand the executive branch ethics program and the reasoning behind various policy decisions. These efforts also help OGE to be transparent and responsive to public concerns.

- *Key conclusions and recommendations from evaluation reports on the effectiveness and performance of relevant anti-corruption bodies.*

OGE assesses its progress towards established performance goals in its Performance Accountability Report (PAR). Copies of OGE's most recent PARs are available at <http://www.oge.gov/About/Management-Reports-and-Policies/Performance-and-Strategic-Docs/Performance---Strategic-Documents/>.