



U.S. Office of Government Ethics
Program Review Division

Ethics Program Review

Defense Threat Reduction Agency

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Results in Brief

The United States Office of Government Ethics (OGE) conducted a review of the Defense Threat Reduction Agency's (DTRA) ethics program in March 2011. The results of the review indicated that DTRA's ethics program appears to be very effectively administered and in compliance with applicable laws, regulations, and policies.

Highlights

- In-person Initial Ethics Orientation (IEO) is provided to all employees, far exceeding the minimum regulatory requirements.
- Voluntary training is provided to supervisors to improve their conflict analysis proficiency and understanding of their financial disclosure responsibilities.
- Filers are given supplemental training on how to complete the OGE Form 450.
- Individual financial disclosure reports displayed clear evidence of thorough conflicts analysis.
- Supervisors are concurrently notified of cautionary memoranda issued to their subordinates regarding potential ethical conflicts.
- Ethics officials actively succession plan by providing advanced training opportunities for new ethics personnel.

Concerns

- Challenges exist in timely identifying new confidential financial disclosure filers.

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Objectives, Scope, and Methodology

OGE provides leadership for the purpose of promoting an ethical workforce, preventing conflicts of interest, and supporting good governance. The purpose of a review is to identify and report on the strengths and weaknesses of an ethics program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies and (2) ethics-related systems, processes, and procedures for administering the program. OGE has the authority to evaluate the effectiveness of executive agency ethics programs. See Title IV of the Ethics in Government Act and 5 CFR part 2638.

To assess DTRA's ethics program, OGE examined a variety of documents provided by DTRA's ethics office. OGE examined financial disclosure reports that were required to be filed at DTRA in 2010, covering calendar year 2009. We examined all public and a sample of confidential financial disclosure reports required to be filed in 2010. In addition, the OGE review team met with the Designated Agency Ethics Official (DAEO), the alternate DAEO (ADAEO), the Associate General Counsel (AGC), the Deputy Inspector General, and the Administrative Specialist to obtain additional information on DTRA's ethics program, seek clarification on issues and verify data collected.

Program Administration

DTRA's ethics program is administered within the Office of the General Counsel. The General Counsel (GC) serves as the DAEO; the Deputy GC serves as the ADAEO. The ADAEO is responsible for day-to-day administration of the ethics program. The ADAEO is supported by an AGC and the Administrative Specialist.

DTRA's ethics program structure appears sufficient to meet the needs of an organization of this size. Active succession planning and development of future ethics officials highlight DTRA's commitment to maintaining an effective ethics program.

Financial Disclosure

OGE was impressed by DTRA's high rate of timely annual financial disclosure submissions. Of the 133 annual financial disclosure forms reviewed by OGE, 92 percent were filed timely with the remaining 10 filers submitting their reports only 4 days beyond the filing deadline. Financial disclosure reports also displayed a noticeable amount of reviewer notes, follow-up by DTRA's ethics office, and report comparison between years.

The ADAEO provides voluntary training to confidential financial disclosure filers on how to correctly complete their form using the Financial Disclosure Management system. This training also includes a supplemental section on conflict of interest review for supervisory personnel responsible for intermediate certification of financial disclosure reports. OGE would be pleased to see this supervisory section expanded as necessary to ensure all certifying personnel have the opportunity to receive this training.

DTRA's only noticeable vulnerability in its financial disclosure program is the timely submission of new entrant filer reports. Of the 54 new entrant filers in CY2010, 12 filed beyond the filing deadline established when a change in duties or a supervisor's determination required a report to be filed. These employees performed their government duties without the safeguards of a timely conflict of interest review by the ethics office.

The DAEO and ADAEO expressed interest in upgrading the current Human Resources (HR) database to electronically identify those positions that require filing. OGE strongly supports this measure.

Suggestions

- Improve the identification process for new entrant filers by better educating supervisors on the filing requirements.
- Augment DTRA's HR database to identify those positions that will consistently require financial disclosure.

Education & Training

Initial and annual ethics training was provided to all DTRA employees in 2010. OGE supports DTRA's decision to provide training to a substantial number of employees beyond those who require it. Although DTRA meets the minimum requirements for IEO with an introductory email, the ethics office far exceeds requirements by also providing in-person IEO to every incoming employee.

Computer-based annual ethics training is provided through DTRA's Learning Management System and is available to any employee who wishes to take it. As a result, 25 percent of employees that did not require annual training also received training covering the most critical material for conflicts-prevention.

Advice & Counsel

DTRA's advice and counsel process is clearly defined within the agency, with the ADAEO personally answering most ethics-related questions. Guidance is provided and archived for future reference via email. Written advice and counsel samples reviewed by OGE were consistently accurate and issued in a timely manner.

Given DTRA's large number of contractors, contract specialists, and the potential for crossflow between government and private-sector employment, OGE is pleased to acknowledge DTRA's post-employment counseling process. By making the ethics office a mandatory stop for departing employees and by providing financial disclosure filers with counseling directly from the ADAEO, the ethics office has shown its commitment to mitigating post-employment risks.

Agency-Specific Ethics Rules

DTRA requires all employees to receive written approval before engaging in outside employment and activities in accordance with Department of Defense (DoD) supplemental standards of ethical conduct at 5 C.F.R. part 3601, which are implemented by subsection 3-306 of DoD's Joint Ethics Regulation (JER). DTRA Form 39, Request for Approval of Outside Employment or Activity, is provided by the ethics office in every employee's introductory email. Additionally, annotations on DTRA financial disclosure reports showed ethics officials actively verified the approval status of outside activities or employment.

Enforcement

During the period covered by the review, DTRA reported no disciplinary actions based wholly or in part upon violations of the standards of conduct provisions, the criminal conflict of interest statutes, and made no referrals to the Department of Justice (DOJ) of potential violations of the criminal conflict of interest statutes.

OGE commends DTRA on its memorandum of understanding (through the DoD) with the DOJ and on the close working relationship between the ethics program and DTRA's Inspector General (IG). Additionally, DTRA's IG is developing an internal inspection program to eventually include a review of the ethics program.

1353 Travel Acceptances

The required semi-annual reports of payments accepted from non-Federal sources were submitted to OGE in a timely manner. DTRA follows DoD Standards of Conduct Office guidance, which requires a conflict of interest review by an ethics counselor prior to the acceptance of travel. Ethics officials perform an additional follow-up with DTRA employees to ensure all travel acceptances have been identified.

Agency Comments

OGE provided DTRA with a draft of this report for comment. DTRA ethics officials provided comments via e-mail on April 18, 2011. The comments are provided below:

“Thank you for the opportunity to provide comments on your report concerning the review of the Ethics Program at the Defense Threat Reduction Agency. We will confine our comments to the suggestions provided in the review.

The DTRA Office of General Counsel (OGC) has taken steps since the review in addition to numerous prior efforts to identify new entrant filers in a timely manner. As we pointed out in our discussions with the OGE persons conducting the review, DTRA currently provides a form to all incoming personnel asking that

they coordinate with their supervisors to determine whether the new employee should be filing a confidential financial disclosure report. The form used has now been changed to require that the supervisor indicate whether the employee should be a filer, and the supervisor will now be required to sign that form and return it to OGC. In addition, we have contacted our human resource office to ask whether it is possible to code positions in the HR databases indicating whether a particular position requires financial disclosure filing. We have also asked whether position descriptions for all positions requiring financial disclosure could contain a statement to that effect, making it easier for the supervisor and the employee to know whether the position requires the filing of the report. We will continue to work with our Human Capital office to resolve this issue.

It is also our intention to send periodic reminders to all supervisors concerning the need to immediately identify when an employee enters a new position whether that position requires the filing of a financial disclosure report.”