Perspectives from the United States: Using Technology to Enhance Transparency and Compliance with Ethics Laws

Submitted by: United States
Perspectives from the United States: Using Technology to Enhance Transparency & Compliance with Ethics Laws

APEC Chile
Anti-Corruption & Transparency Working Group
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Ethics and Financial Disclosure
Office of the Legal Adviser
U.S. Department of State

Workshop on Digital Government, Integrity Policies and Corruption Prevention Mechanism in APEC Economies
Roadmap

- Quick overview of ethics and financial disclosure overview in the United States
- Online financial disclosure filing system, www.integrity.gov
- Review of disclosure reports by ethics officials
- Public access to disclosure reports
- Enforcement using disclosure reports
Purpose of ethics laws

- Ensure that all governmental decisions are based on the public interest, rather than individual interests
- Promote public confidence in the integrity of government decision-making
- Promote transparency and accountability
The role of financial disclosure

- Employees can recognize their own potential conflicts
- Agencies can identify and address potential conflicts
  - Remedies: recusal, divestment, limited waivers
- Enhances transparency and public confidence
- Enforcement tool
Who files financial disclosures?

- **Public financial disclosures** – Senior government official and political appointees
  - (~ 26,000 across the executive branch)

- **Confidential financial disclosures** – Employees with substantive responsibilities in contracts, grants, licenses, subsidies, regulations, etc
  - (~ 380,000 across the executive branch)
www.integrity.gov

- Web-based portal designed to facilitate financial disclosure
- Easy for filers to submit reports and change entries as assets change over time
- Easy for ethics officials to review reports, track changes, and monitor progress and completion rates
- Enhances transparency and efficiency
Who can access and review disclosure reports?

- Public financial disclosure report
- Agency Ethics Officials
- Law enforcement
- The public and press
Review by Ethics Officials

- Multiple layers of review:
  - Employee completes report
  - Employee’s supervisor reviews report (in some cases)
  - Agency ethics official reviews report
  - For highest-ranking employees, the Office of Government Ethics also reviews the report

- All public financial disclosure reports are submitted electronically, with some exceptions.
Review by Ethics Officials in Integrity.gov
Part 2: Filer's Employment Assets & Income and Retirement Accounts

In order to have a complete financial disclosure report, you need to report all of the following:

- Each source from which you received $200 or more in earned and other non-investment income during the reporting period for this section (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes).
- Each asset related to your business, employment, or other income-generating activities if the asset had a value greater than $1,000 at the end of the preceding calendar year or if you received more than $200 in income from the asset during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, anticipated payments such as severance, deferred compensation, and intellectual property such as book deals and patents). Click the question mark for more examples.
- Do not include assets or income from United States federal government employment. In addition, do not include assets that were acquired separately from your business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account) because you will report these assets in a later section.

<table>
<thead>
<tr>
<th>#</th>
<th>DESCRIPTION</th>
<th>IF</th>
<th>VALUE</th>
<th>INCOME TYPE</th>
<th>INCOME AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Retirement Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Apple Stock</td>
<td>N/A</td>
<td>$50,001 - $100,000</td>
<td>None (or less than $201)</td>
<td></td>
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<tr>
<td>1.2</td>
<td>Vanguard Large Cap Growth Mutual Fund</td>
<td>Yes</td>
<td>$15,001 - $50,000</td>
<td>$201 - $1,000</td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Amazon Stock</td>
<td>N/A</td>
<td>$50,001 - $100,000</td>
<td>$2,501 - $5,000</td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td>Fidelity Biotechnology Fund</td>
<td>Yes</td>
<td>$15,001 - $50,000</td>
<td>None (or less than $201)</td>
<td></td>
</tr>
</tbody>
</table>

Showing 1 to 5 of 5 entries
Part 9: Gifts and Travel Reimbursements

For this final section, report:

- Gifts totaling more than $390 that you and your dependent children received from any one source during the reporting period for this section.
- Travel reimbursements totaling more than $390 that you and your dependent children received from any one source during the reporting period.

- If more than one gift or travel reimbursement was received from a single source: (1) Determine the value of each item received from that source, (2) ignore each item valued at $156 or less, (3) Add the value of those items valued at more than $156. If the total is more than $390, then you must report each item valued at more than $156.

- Regardless of the value, however, you do not need to report the following: (1) anything received from relatives; (2) anything received from the United States federal government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to your agency in connection with your official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor’s residence or personal premises; and (6) anything received by your dependent children totally independent of their relationship to you. Additional exceptions apply.

<table>
<thead>
<tr>
<th>#</th>
<th>SOURCE NAME</th>
<th>CITY/STATE</th>
<th>BRIEF DESCRIPTION</th>
<th>VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rock Collectors Association</td>
<td>Los Angeles, California</td>
<td>Airline ticket, hotel room, and meals incident to speech at convention in Los Angeles (August 5-6, 2018). Personal activity unrelated to official duties.</td>
<td>$2,638.00</td>
</tr>
<tr>
<td>2</td>
<td>Nick the Nice Guy</td>
<td>Washington, District of Columbia</td>
<td>Birthday present - new mobile phone</td>
<td>$600</td>
</tr>
</tbody>
</table>

Showing 1 to 2 of 2 entries
Access by the Public and Press

- Financial disclosures of highest-ranking officials posted to www.OGE.gov
- Other financial disclosures can be requested through a “201” request
- Other documents can be requested through a Freedom of Information Act request
President and Vice President Financial Disclosure Reports

Certified reports listed here are those submitted by current (and former) President and Vice President. These reports can be downloaded without completing an OGE Form 201.

All other nominees and appointee reports:

Trump, Donald J. White House Office, President 2018 Financial Disclosure Report
Trump, Donald J. White House Office, President 2017 Financial Disclosure Report

Trump, Donald J. White House Office, President
   - Annual (2017)
   - Annual (2016)
   - Annual (2018)

Pence, Michael R. Office Of The Vice President, Vice President
   - Annual (2017)
   - Annual (2018)
   - Annual (2016)

Obama, Barack H, White House Office, President
   - Termination
   - Annual (2013)
   - Annual (2015)
   - Annual (2014)
   - Annual (2016)

Biden, Joseph R, Office Of The Vice President, Vice President
   - Termination
   - Annual (2013)
   - Annual (2016)
   - Annual (2014)
   - Annual (2015)
Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

<table>
<thead>
<tr>
<th>Filer's Information</th>
<th>Last Name</th>
<th>First Name</th>
<th>MI</th>
<th>Position</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trump</td>
<td>Donald</td>
<td>J</td>
<td></td>
<td>President of the United States of America</td>
<td></td>
</tr>
</tbody>
</table>

Other Federal Government Positions Held During the Preceding 12 Months:
N/A

Name of Congressional Committee Considering Nomination (Nominees only):
N/A

Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:

Signature: [Signature]
Date: June 14, 2017

Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below):

Signature: [Signature]
Date: June 14, 2017

Other Review Conducted By:

Signature: [Signature]
Date: 

U.S. Office of Government Ethics Certification (if required):

Signature: [Signature]
Date: 6/16/17
Access by the Public & the Press
Access by the Public & Press

The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society.

This site can help you determine if filing a FOIA request is the best option for you and help you create your request when you’re ready.

Tips for making a request or Start your request

Do research and determine if you need to make a FOIA request, then get ready.

Do research before you request + Identify the right agency + What happens next +
Access by Law Enforcement

- Internal agency audits/investigations
- Employee discipline
- Criminal prosecution
Enforcement and Prosecutions

- **Criminal enforcement:** An employee at the Bureau of Prisons failed to include on his financial disclosure report that he was being paid by business that was competing for a federal contract. The employee was sentenced to 3 years probation and a fine.

- **Civil enforcement:** An employee at the Department of Homeland Security failed to file a financial disclosure termination report upon leaving government service. She was repeatedly reminded about this requirement. She settled the case with the Government, agreeing to pay $4,000 and file the report.
An Integrity-based System: the Bigger Picture

- Freedom of Information
- Promoting Integrity
- Preventing Conflicts of Interest
- Whistleblower Protection
- Regulated Procurement
- Merit-based Hiring

Promoting Integrity

Freedom of Information