

UNITED STATES OFFICE OF
GOVERNMENT ETHICS



April 16, 2015

Adrian Sevier
Chief Counsel
Federal Emergency Management Agency
Room 8NE-1007
500 C Street, SW, MS 3515
Washington, DC 20472-3100

Dear Mr. Sevier:

The United States Office of Government Ethics (OGE) previously conducted a review of the Federal Emergency Management Agency's (FEMA) ethics program. The January 2014 report summarizing the results of the review included 19 recommendations for improvement. OGE has conducted a follow-up review to assess whether FEMA has taken action sufficient to resolve the deficiencies underlying the recommendations. As indicated below, 12 recommendations have been closed based on the actions FEMA has taken.

	Recommendation	Agency Action	Status
1	Implement written procedures for the administration of the financial disclosure program.	FEMA implemented written procedures for the administration of the financial disclosure program.	Closed
2	Certify all uncertified public reports filed in 2011 and 2012.	FEMA completed the review and certification of the public reports filed in 2011 and 2012.	Closed
3	Ensure that all public reports filed in 2013 are reviewed and certified timely.	FEMA completed the review and certification of all public reports filed in 2013.	Closed
4	Implement sufficient safeguards to ensure that all public reports are reviewed and certified timely in the future.	In addition to the written procedures for the administration of the financial disclosure program, FEMA implemented regular status updates, a tracking system and the use of part-time ethics counselors to assist with review and certification as needed. All of the 20 reports filed in 2014 examined by OGE had been reviewed and certified.	Closed
5	Ensure that all confidential reports filed in 2011 and 2012 are reviewed and certified after any potential conflicts of interest have been addressed and resolved.	FEMA completed the review and certification of the confidential reports filed in 2011 and 2012.	Closed

6	Ensure that all confidential reports filed in 2013 are reviewed and certified timely.	FEMA completed the review and certification of the confidential reports filed in 2013.	Closed
7	Implement sufficient safeguards to ensure that all confidential reports are reviewed and certified timely and to prevent backlogs of uncertified confidential reports in the future.	In addition to the written procedures for the administration of the financial disclosure program, FEMA implemented the use of an online SharePoint list to track the filers and the various stages of the report review process (i.e., the date received by the agency, the attorney assigned to review the report, and the status of the review). Additionally, a number of part-time ethics counselors now assist in the review of reports, including reports originating from field offices. FEMA also offered refresher training on reviewing reports to the ethics counselors in February 2014.	Closed
8	Develop an action plan in coordination with the Office of the Chief Component Human Capital Officer (OCCHCO) to ensure that new entrant confidential filers are identified timely and ethics officials are notified.	FEMA's ethics office has not finalized an action plan in coordination with OCCHCO to ensure that new entrant confidential filers are identified timely and ethics officials are notified. The ethics office has reached a preliminary agreement, in which OCCHCO will require FEMA hiring officials to determine the possible filing status for new entrant employees prior to the employees' start dates. Then, OCCHCO would notify the ethics office of new hires who are confidential filers on a regular basis. However, as of the time of OGE's follow-up review, this agreement had not been finalized.	Open
9	Establish a tracking mechanism for workers under the Intergovernmental Personnel Act (IPA).	FEMA has not established a tracking mechanism for IPAs. However, the ethics office is planning to work with OCCHCO and program offices to further understand the process for hiring IPAs. Once the ethics office gains a better understanding of this hiring process, ethics officials will work with OCCHCO to develop a plan to track IPAs.	Open

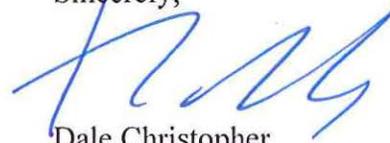
10	Ensure IPAs file financial disclosure reports, as required.	FEMA's ethics office is working with OCCHCO to develop a plan to track IPAs and ensure they file financial disclosure reports as appropriate. OCCHCO compiled a comprehensive list of FEMA IPAs in July 2014. The ethics office will cross-check that list with its list of financial disclosure filers to ensure that IPAs have filed, as required.	Open
11	Ensure that all new employees receive initial ethics orientation (IEO) and put in place an effective IEO tracking mechanism.	FEMA's ethics office is working with OCCHCO to develop a plan to ensure that all new employees receive IEO and put in place an effective IEO tracking mechanism. The ethics office and OCCHCO have reached a preliminary agreement. Under this agreement, OCCHCO will enroll new entrant employees in an online ethics training course at the time those new employees are assigned a user role in FEMA's online training system. This will allow the ethics office to monitor the completion of IEO by new employees.	Open
12	Ensure that all covered employees receive annual ethics training by the end of this year (2014).	<p>FEMA has made progress by creating a training package of live training for all covered employees. The live training was supplemented with training on the FEMA Employee Knowledge Center website. OGE found evidence that live annual training was provided to all public filers in 2014. Live training sessions were also provided for confidential filers during the last quarter of 2014. Ethics officials estimated that approximately 75% of confidential filers received annual ethics training in calendar year 2014. However, OGE could not independently verify that any confidential filers received the training in 2014.</p> <p>Ethics officials indicated that confidential filers were required to receive 2015 annual ethics training and provide evidence of its receipt before they submitted their OGE Form 450 in</p>	Open

		February 2015. Ethics officials reported that approximately 90% of confidential filers submitted training certificates confirming that 2015 annual training had been received. OGE will conduct additional follow-up to determine whether all covered employees receive annual ethics training for 2015.	
13	Implement an effective ethics training tracking system.	Ethics officials stated that FEMA will require confidential filers to complete training and submit a certificate of completion with their OGE Form 450. Additionally, they will closely monitor the training status of public filers. OGE will evaluate the effectiveness of these systems in the next follow-up review.	Open
14	Certify all uncertified SGE confidential reports required to be filed in 2012.	Ethics officials certified all uncertified SGE confidential reports required to be filed in 2012.	Closed
15	Ensure that all SGE confidential reports are reviewed and certified within 60 days of their submission and before the filer's first committee meeting each fiscal year.	According to ethics officials, all SGE reports filed in 2014 were reviewed and certified. OGE reviewed a sample of reports. All of the reports in the sample had been reviewed and certified within 60 days of submission.	Closed
16	Ensure that reappointed SGEs mark the "new entrant" box on their confidential financial disclosure reports and complete their reports accordingly.	FEMA instructed ethics counselors assigned to the committees to make sure that SGEs check "new entrant" on the forms and will include this instruction in their annual training presentations. However, most of the reports in a sample reviewed by OGE during the onsite field work were not marked as "new entrant."	Open
17	Ensure that all SGEs, including experts/and consultants, receive ethics training.	FEMA provided ethics training to all SGEs in September 2014.	Closed
18	Make a formal determination as to the status of the Reservists based on the provisions of 18 U.S.C. § 202(a).	FEMA made a formal determination as to the status of the Reservists based on the provisions of 18 U.S.C. § 202(a). FEMA determined that the Reservists are regular employees.	Closed

19	Document FEMA's review and analysis of the confidential filing criteria to identify any reservist positions that may meet the criteria and share findings with appropriate officials to help ensure accurate and timely identification of filers.	FEMA's new written procedures for the administration of the financial disclosure program (see recommendation 1) include the requirement to document the review and analysis of the confidential filing criteria to identify any reservist positions that may meet the criteria. Determinations are shared with appropriate officials to help ensure accurate and timely identification of filers.	Closed
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Thank you for your assistance during the follow-up process. OGE will perform a second follow-up during 2015 to assess the status of the seven outstanding recommendations. We encourage you to contact your Desk Officer for ethics program support.

Sincerely,



Dale Christopher
Deputy Director for Compliance