



Ethics Program Review

United States Department of Agriculture

Report No. 25-46
March 27, 2025



The United States Office of Government Ethics (OGE) conducted a review of the United States Department of Agriculture (USDA) ethics program from November through February 2025. The following summarizes the results of that review.

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Objectives, Scope and Methodology

Objectives: OGE provides overall leadership and oversight of the executive branch ethics program designed to prevent and resolve conflicts of interest. The Ethics in Government Act gives OGE the authority to evaluate the effectiveness of executive agency ethics programs.¹ OGE uses this evaluation authority largely to conduct reviews of agency ethics programs. 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.

Scope: OGE examined all elements of the ethics program administered by USDA’s Office of Ethics. These elements included program administration, financial disclosure, education and training, ethics counseling, agency-specific ethics rules on outside employment, conflict remedies, enforcement, and special government employees. OGE also examined the oversight and guidance the Office of Ethics provides for USDA’s ethics program department-wide. OGE’s review focused primarily on ethics program activities that occurred in 2024.

Methodology: OGE examined a variety of materials provided by USDA ethics officials, including the agency’s response to OGE’s 2024 Annual Agency Ethics Program Questionnaire, written procedures for administering the ethics program, samples of public and confidential financial disclosure reports filed in 2024, ethics training materials, and a sample of the ethics advice and counseling provided to employees. In addition, OGE interviewed agency ethics officials to clarify the information gathered, follow up on issues identified during the review, and discuss ethics program operations in further detail.

¹ See 5 U.S.C. app. § 402 and 5 C.F.R. part 2638.

Agency Background

USDA, a cabinet-level department of the federal executive branch, provides leadership on food, agriculture, natural resources, and related issues. USDA is comprised of 29 agencies and offices with approximately 100,000 employees at more than 4,500 locations across the country and abroad. The department operates under the leadership of a Presidentially appointed, Senate-confirmed (PAS) Secretary.

Program Administration

USDA's ethics program is managed by the Office of Ethics (OE), which reports directly to USDA's General Counsel. OE is comprised of an Office of the Director and a Mission Area Ethics Program Support Branch. The Director of OE serves as the agency's Designated Agency Ethics Official (DAEO) and directs the daily activities of the agency's ethics program. The Deputy Director of OE serves as the Alternate DAEO (ADAEO).

Assisting the DAEO and ADAEO in carrying out the day-to-day management of the ethics program are 17 additional ethics officials. These officials consist of a Branch Chief, a Senior Advisor for Financial Disclosure and Presidential Nominations, six senior ethics advisors, eight ethics specialists, and one program support specialist.

In addition to serving as liaison to OGE, OE duties include developing policies and procedures for the overall operation of USDA's ethics program, designing and implementing USDA's ethics training program, providing employees with ethics counseling services, and administering and monitoring USDA's financial disclosure program, including the review and certification of all public and confidential financial disclosure reports required to be filed within USDA.

Financial Disclosure

Title I of the Ethics in Government Act requires that agencies administer public and confidential financial disclosure systems. Financial disclosure serves to prevent, identify, and resolve conflicts of interest by providing for a systematic review of the financial interests of officers and employees. The financial disclosure process also offers an opportunity for ethics officials to provide ethics-related counseling to report filers.

To evaluate the USDA's financial disclosure systems, OGE examined the required written procedures for administering the systems, the required written notices to the DAEO, and a sample of public and confidential financial disclosure reports that were required to be filed by USDA employees from throughout the department.

Financial Disclosure Written Procedures

Each executive branch agency must establish written procedures for collecting, reviewing, evaluating, and where applicable, making publicly available financial disclosure

reports filed by the agency's officers and employees.² OGE examined USDA's written procedures and determined they meet applicable requirements.

Notices to the DAEO

Agency human resources offices play a vital role in ensuring the effective administration of the ethics program. Without necessary information about agency employees, ethics officials cannot successfully carry out their important work. Among other things, the lead human resources official is required to notify the DAEO of all appointments to positions that require incumbents to file public or confidential financial disclosure reports no later than 15 days after the appointment. The lead human resources official must also notify the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports no later than 15 days after termination.³ These notices help to ensure the timely collection of financial disclosure reports.

The USDA Office of Human Resources Management staff send email notices to OE when new public financial disclosure filers are appointed and provide regular reports with respect to employees who are vacating such appointments. These reports are generally provided a week or two in advance of the employee entering or departing from a covered public filing position.

The OE Senior Advisor for Financial Disclosure and Presidential Nominations has access to USDA's *Insight System* which provides biweekly reports of employees appointed to, or departing from, positions which require an OGE Form 450 Confidential Disclosure Report. The Senior Advisor distributes the biweekly reports to OE staff members assigned to update the filer lists in *FDonline*, the electronic financial disclosure system used to file and review confidential disclosure reports at USDA, and those staff members update the filing lists as appropriate.

OGE found that generally, there is reasonable assurance that the DAEO was notified in a timely manner of appointments to or departures from positions requiring public financial disclosure. OGE also found that USDA's automated system for tracking confidential filers is sufficient to ensure that such filers are identified in a timely manner.

Public Financial Disclosure

Within 30 days of assuming a covered public filing position, an individual must file a public financial disclosure report.⁴ The individual must subsequently file an annual report by May 15 each year and a termination report within 30 days of departing the public filing position.⁵ The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt by the ethics office, unless additional information is being sought from the filer or remedial action is being taken.⁶

² See Section 402(d)(1) of the Ethics in Government Act.

³ See 5 C.F.R. § 2638.105(a)(1) and (2).

⁴ See 5 C.F.R. § 2634.201(b).

⁵ See 5 C.F.R. § 2634.201(a) and (e).

⁶ See 5 C.F.R. § 2634.605.

To evaluate the administration of USDA’s public financial disclosure system, OGE examined 50 new entrant, 50 annual, and 20 termination reports that were required to be filed in 2024. Table 1 below presents the results of OGE’s examination.

Table 1. OGE’s Examination of USDA’s Public Financial Disclosure Reports

	New Entrant	Annual	Termination	Total
Reports Examined	50	50	20	120
Filed Timely	45 (90%)	49 (98%)	20 (100%)	110 (95%)
Reviewed within 60 Days	48 (96%)	50 (100%)	20 (100%)	118 (98%)
Certified within 60 Days	25 (50%)	31 (62%)	20 (100%)	76 (63%)

OGE found that only 25 (50%) of the 50 new entrant reports examined were certified within 60 days of submission and that, overall, only 76 (63%) of the total of 120 reports examined were certified within 60 days of submission.

OGE was apprised by USDA’s DAEO and ADAEO that, with only 19 ethics officials servicing all of USDA’s 100,000 employees (one advisor for every 5,263 USDA employees), USDA’s ethics program lacks sufficient staff to fully accomplish its mission. The DAEO and ADEAO further explained that the FY 2024 appropriation imposed a 20% cut to OE’s budget, which has meant that OE has had to forego backfilling vacancies in its small staff. They added that the current budget situation threatens the continued sustainability of USDA’s centralized ethics program.

Recommendation

1. Ensure that public financial disclosure reports are certified timely.

Confidential Financial Disclosure

Within 30 days of assuming a covered confidential filing position, an individual must file a confidential financial disclosure report.⁷ The individual must also subsequently file an annual report by February 15 each year.⁸ The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt by the ethics office, unless additional information is being sought from the filer or remedial action is being taken.⁹

To evaluate the administration of USDA’s confidential financial disclosure system, OGE examined a sample of 50 new entrant and 50 annual reports that were required to be filed in 2024. Table 2 below presents the results of OGE’s examination.

⁷ See 5 C.F.R. § 2634.903(b).

⁸ See 5 C.F.R. § 2634.903(a).

⁹ See 5 C.F.R. § 2634.605.

Table 2. OGE’s Examination of the USDA’s Confidential Financial Disclosure Reports

	New Entrant		Annual		Total	
Reports Examined	50		50		100	
Filed Timely	45	(90%)	48	(96%)	93	(93%)
Reviewed within 60 days	45	(90%)	47	(94%)	92	(92%)
Certified within 60 days.	45	(90%)	47	(94%)	92	(92%)

As indicated in Table 2, 45 (93%) of 50 new entrant reports OGE examined were filed timely and 45 (90%) of the new entrant reports examined were certified timely. OGE also found that 48 (96%) of 50 annual reports examined were filed and reviewed timely and 47 (94%) were certified timely.

Education and Training

Each executive branch agency must carry out a government ethics education program to teach employees how to identify government ethics issues and obtain assistance in complying with government ethics laws and regulations. The training program is to include: briefings for certain Presidentially appointed, Senate confirmed (PAS) officials; notices for prospective employees and newly appointed supervisors regarding their ethics-related obligations; initial ethics training for new employees; and annual ethics training for public and confidential financial disclosure report filers and certain other employees.¹⁰ An ethics education program is essential to raising awareness among employees about the ethics laws and rules that apply to them and the availability of agency ethics officials to provide ethics counseling.

Ethics Briefings for Certain Agency Leaders

Certain PAS officials must complete an ethics briefing to discuss their immediate ethics obligations no later than 15 days after their appointment, unless the DAEO grants an extension.¹¹ Any extension of more than 15 days requires the DAEO to make a written determination that extraordinary circumstances make it necessary to provide the briefing at a later date.¹² OGE determined that there were no new PAS officials at USDA who were appointed during the period covered by OGE’s review.

Notices to Prospective Employees

Written offers of employment for positions covered by the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) must include: a statement regarding the agency’s commitment to government ethics; notice that the individual will be

¹⁰ See 5 C.F.R. Part 2638 Subpart C.

¹¹ See 5 C.F.R. Part 2634.201 (c) (2)

¹² See 5 C.F.R. § 2638.305.

subject to the Standards of Conduct and the criminal conflict of interest statutes; information on how to obtain additional information on applicable ethics requirements; and, where applicable, notice of the time frame for completing initial ethics training and information regarding the filing of new entrant financial disclosure reports.¹³

OGE determined that USDA has established written procedures for issuing the required notices to prospective employees and that the procedures are reviewed annually by the DAEO, as required. Based on OGE's examination of a sample of notices, OGE further determined that the notices comply with relevant requirements.

Initial Ethics Training

Each new employee subject to the Standards of Conduct must complete initial ethics training (IET) that meets the requirements of 5 C.F.R. § 2638.304 within three months of appointment, unless excluded by the DAEO. The training must be interactive and focus on government ethics laws and regulations that the DAEO deems appropriate. The training must address: financial conflicts of interest; impartiality; misuse of position; and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by the agency; provisions of the agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and, instructions for contacting the agency's ethics office.¹⁴

OGE reviewed the materials USDA used to provide IET to new employees in 2024 and determined that the materials met applicable content requirements. OGE also reviewed USDA's records for tracking IET and found that 86% of the employees required to receive IET in 2024 received the training within 3 months of appointment, as required. Another 6% received the training, but more than 3 months after their date of appointment. According to the DAEO, ethics officials do follow-up with those who do not attend initial ethics training, but ultimately some never received the required training in 2024.

Annual Ethics Training for Public Filers

Generally, an agency must provide live training each calendar year to each of its employees whose pay is set at Level I or Level II of the Executive Schedule. An agency also must provide live training to other employees who are required to file public financial disclosure reports pursuant to 5 C.F.R. § 2634.201(a) every other year, and provide interactive training in the intervening years. The training presentation, whether live or interactive, must focus on government ethics laws and regulations that the DAEO deems appropriate. The training, whether live or interactive, must address: financial conflicts of interest, impartiality, misuse of position, and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of, or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by the agency; provisions of the

¹³ See 5 C.F.R. § 2638.303.

¹⁴ See 5 C.F.R. § 2638.304.

agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and instructions for contacting the agency's ethics office.¹⁵

According to OE officials, in 2024 USDA conducted annual training for political appointees, including USDA's one Executive Schedule Level I and one Executive Schedule Level II employees, through live videoconference sessions. OGE reviewed the presentation materials used during the videoconference sessions and determined that they met applicable content requirements.

OE officials also explained that career public filers received ethics training through online modules and videoconference sessions. OGE reviewed the modules and content covered in the videoconference sessions, as well as accompanying written materials, and determined that both met applicable content requirements. The DAEO has also provided short "Ethics Moments" and distributed Ethics One-Pagers at USDA's regular Sub-Cabinet Meetings, Administrator's Meetings, and Political Appointee Meetings, allowing OE to proactively refresh the Department's most senior leaders about the ethics rules.

OGE examined USDA's 2024 training completion records and determined that 88% of all public filers received annual ethics training in 2024.

Annual Ethics Training for Confidential Filers and Certain Other Employees

Generally, an agency is required to provide interactive training each calendar year to employees who are required to file a confidential financial disclosure report pursuant to 5 C.F.R. § 2634.904; employees appointed by the President and employees of the Executive Office of the President; contracting officers described in 41 U.S.C. § 2101; and other employees designated by the head of the agency. The training presentation must focus on government ethics laws and regulations that the DAEO deems appropriate. The training must address: financial conflicts of interest, impartiality, misuse of position, and gifts. In addition to the training presentation, the agency must provide the employee with either written copies of, or written instructions for accessing: the summary of the Standards of Conduct distributed by OGE or an equivalent summary prepared by the agency; provisions of the agency's supplemental regulations or a summary thereof, as determined appropriate by the DAEO; and instructions for contacting the agency's ethics office.¹⁶

According to OE, in 2024 USDA provided annual ethics training for confidential filers using online modules. OGE reviewed the modules and accompanying written materials and determined that they met applicable content requirements. OGE also reviewed the training completion records of confidential filers and determined that 98% received annual ethics training in 2024.

According to EO, other ethics outreach efforts during the year in addition to conducting the requisite initial and annual ethics training for both public and confidential filers included OE developing and implementing a series of specialized ethics trainings and resource materials for

¹⁵ See 5 C.F.R. § 2638.308.

¹⁶ See 5 C.F.R. § 2638.307.

Intergovernmental Personnel Act (IPA) detailees to raise awareness of ethics-related issues and requirements. Additionally, OE created a new video on the ethics rules for IPA detailees and posted this video on USDA's website and on USDA's YouTube account, along with 40 other ethics videos that OE created and made available to all USDA employees, other Executive Branch employees, and members of the public. Furthermore, OE made its IPA ethics training module and ethics resource materials available on the USDA website to be available to all USDA IPA detailees, as well as ethics officials at other Federal agencies.

Moreover, OE offers continuous learning opportunities tailored to the needs of specific audiences in USDA's procurement, information technology, and finance offices across the Department throughout the year. Additionally, OE provided additional tailored training on identifying and screening for recusals and other identified ethics risk areas to newly arriving political appointees. OE also maintains and updates the USDA Ethics Mobile App, which is loaded on all USDA government-furnished smartphones and tablets and is available to all USDA employees and members of the public who wish to learn more about the ethics rules. Finally, the DAEO provides USDA's senior leadership "Ethics Moments" at the Secretary's Sub-Cabinet meetings and the ADEAO and other senior ethics advisors provide Ethics Moments focused on the needs of USDA's respective mission areas. These Ethics Moments help to proactively raise employees' awareness of their ethics-related responsibilities.

Model Practice

OE provides ethics-related training and educational opportunities above and beyond what is required by the ethics training rules.

Ethics Counseling

The DAEO, acting directly or through other officials, is responsible for providing advice and counseling to prospective and current employees regarding government ethics laws and regulations, and providing former employees with advice and counseling regarding post-employment restrictions applicable to them.¹⁷ A robust ethics counseling program is necessary to ensure that employees receive the guidance they need to comply with the ethics rules.

OGE reviewed a sample of the ethics-related counseling that OE officials provided to USDA employees in 2024. The counseling addressed a variety of issues including gift acceptance, outside employment, outside speaking and other activities, impartiality, and post-employment restrictions. OGE's review found the counseling to be consistent with applicable laws and regulations.

¹⁷ See 5 C.F.R. § 2638.104 (c)(4).

Model Practice

OE provides comprehensive ethics advice to departing employees in order to mitigate ethics risk and increase compliance with applicable conflicts of interest, recusals, and post-government employment ethics requirements.

Agency-Specific Ethics Rules

An agency may modify or supplement the Standards of Conduct, with the concurrence of OGE, to meet the particular needs of that agency.¹⁸ A supplemental standards of conduct regulation is issued jointly by the agency and OGE and is published in title 5 of the Code of Federal Regulations.

The USDA supplemental standards of conduct regulation require all USDA employees, except special government employees, to obtain written approval prior to engaging in certain outside employment.¹⁹ To evaluate employees' compliance with USDA's prior approval requirement, OGE examined a sample of the outside employment activities that were reported on the public and confidential financial disclosure reports examined while evaluating USDA's financial disclosure systems. Based on this examination, OGE determined that the filers properly received prior approval before engaging in the disclosed outside employment activity.

Conflict Remedies

The primary criminal conflict of interest law prohibits an employee from participating in an official capacity in a particular matter in which he or she has a financial interest.²⁰ Congress included two provisions that permit an agency to issue a waiver of this prohibition in individual cases. Agencies must consult with OGE, where practicable, prior to issuing such a waiver.²¹ OGE's review found that USDA issued no such waivers in 2024.

Additionally, PAS nominees are required to address their actual or apparent conflicts of interest by documenting the specific actions they are required to take to alleviate their conflicts of interest.²² This written notice is commonly known as an "ethics agreement." Once confirmed, PAS appointees must fulfill all of their written ethics commitments. OGE's review found that USDA did not have any new PAS appointees during the period covered by the review.

Enforcement

Executive branch offices are required to notify OGE when they refer a potential violation of a criminal conflict of interest law to the Department of Justice (DOJ).²³ OGE's review found that USDA made no such referrals in 2024.

¹⁸ See Executive Order 12674 and 5 C.F.R. § 2635.105.

¹⁹ See 5 CFR Part 8301.102

²⁰ See 18 U.S.C. § 208.

²¹ See Executive Order 12674.

²² See 5 U.S.C. app. § 110.

²³ See 5 C.F.R. § 2638.206.

Additionally, OGE’s review found that in 2024 USDA took no disciplinary actions based wholly or in part upon violations of the criminal conflict of interest laws and took one disciplinary action based wholly or in part upon violations of the Standards of Conduct.

Special Government Employees

A special government employee (SGE) is an officer or employee of the executive or legislative branch retained, designated, appointed, or employed to perform official duties, full-time or intermittently, for not more than 130 days in any 365-day period.²⁴ SGEs are required to file financial disclosure reports and receive ethics training.

Advisory Committee SGEs

Financial Disclosure

Each advisory committee SGE is required to file a new entrant report upon appointment and then each year thereafter upon their re-appointment or re-designation as an SGE. These SGEs must file their reports before the first committee meeting of the year.²⁵

USDA has 302 SGEs serving on committees governed by the Federal Advisory Committee Act (FACA committee) or as experts. SGEs who are not on a FACA committee serve on an as-needed basis.

To evaluate the ethics program services rendered to SGEs serving on FACA committees, OGE selected a sample of 48 SGE confidential disclosure reports from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) and National Advisory Committee on Microbiological Criteria For Foods (NACMCF) committees for examination. Table 3 below presents the results of OGE’s examination of these 48 reports.

Table 3. OGE’s Examination of SGE Confidential Financial Disclosure Reports

Confidential Reports Examined	48	
Filed Timely	22	(46%)
Reviewed within 60 Days of Receipt	18	(38%)
Certified within 60 Days of Receipt	18	(38%)

²⁴See 18 U.S.C. § 202(a).

²⁵ As allowed by 5 C.F.R. § 2634.905(a), USDA SGEs who serve on advisory committees file OGE-approved alternative confidential financial disclosure forms. The alternative form requires disclosure only of interests with the potential to be affected by policy deliberations likely to come before an SGE’s advisory committee.

As shown in Table 3, OGE found that only 22 (46%) of the 48 reports were filed timely. Moreover, ethics officials reviewed and certified only 18 (38%) of the reports within 60 days of being filed. It is vital that reports are filed and reviewed prior to SGEs attending committee meetings or otherwise providing advice to an agency to ensure that the SGEs do not have a financial interest that may conflict with any matters to be discussed during meetings or matters upon which advice is provided.

Per the USDA DAEO, handling ethics programmatic duties for SGEs who serve on a part-time basis is extremely labor-intensive and, to be done correctly, requires resources that OE does not possess. OE has focused on providing detailed ethics training to its SGE population but ensuring that SGEs file their confidential reports in a timely fashion has proven extremely challenging. The DAEO added that although USDA's Designated Federal Officials are trained on the ethics requirements each year, they frequently fail to notify EO of new SGE appointments or their continuing service. Moreover, he stated that while all SGEs received notification of the filing requirement, many did not file and OE lacks the resources to enforce compliance with those requirements.

Recommendation

2. Ensure that all SGEs file their confidential financial disclosure reports no later than the first committee meeting they attend or before providing advice to the agency, as required by 5 C.F.R. § 2634.903(b)(3).
3. Ensure that SGE confidential financial disclosure reports are certified timely.

Ethics Training

OGE examined the training materials used by USDA ethics officials to provide ethics training to SGEs and determined the materials met applicable content requirements. OGE also examined USDA training records for the selected committees and found that USDA provided ethics training to 100% of these SGEs in 2024.

Agency Comments

The U.S. Department of Agriculture (USDA) Office of Ethics appreciates the opportunity to work with the U.S. Office of Government Ethics (OGE) program review staff during OGE's comprehensive review of USDA's Department-wide Ethics Program. We appreciate the oversight function that your Division provides. As you know, OGE's program review contained important context about the resource limitations of USDA's Ethics Program, noting that -- with only 19 ethics officials servicing all of USDA's 100,000 employees (one advisor for every 5,263 USDA employees) -- USDA's Ethics Program lacks sufficient staff to fully accomplish its mission. Moreover, as we noted during the program review, the FY 2024 appropriation imposed a 20% reduction in funding for the Office of Ethics' already minimal budget, which meant that the Office of Ethics had to forego backfilling any vacancies in its small staff. Because the Office of Ethics is the sole office providing Congressionally-mandated ethics services throughout the

Department of Agriculture, the current budget situation threatens the continued sustainability of USDA's centralized and already streamlined ethics program.

Notwithstanding, the 20% reduction in budgetary funding for the USDA Office of Ethics, we appreciate that the overall findings in this review reflect the tireless and enduring commitment of the USDA Office of Ethics team in creating and maintaining a strong ethical culture across USDA. We further appreciate that OGE highlighted specific strengths in USDA's Ethics Program as noted by the two model practices listed in OGE's report. Importantly, OGE noted that the USDA Office of Ethics provides ethics-related training and educational opportunities above and beyond what is required by the ethics training rules. Because of OE's serious resource limitations, the USDA Office of Ethics has focused intently on using proactive tailored ethics trainings and developing innovative training products to act as a "force multiplier" for our small staff to reach as many of USDA's employees as possible. We believe that these proactive efforts have served to strengthen the ethical culture at USDA. These additional ethics-related training resources include the USDA Ethics Mobile App, which is loaded on all USDA government-furnished smartphones and tablets and is available to all USDA employees, other Federal employees, and members of the public who wish to learn more about the ethics rules. Moreover, USDA's Secretary actively supports USDA's Office of Ethics by having the DAEO provide "Ethics Moments" at the Secretary's Sub-Cabinet meetings. Additionally, the ADAEO and other OE Senior Ethics Advisors provide "Ethics Moments" focused on the needs of USDA's respective Mission Areas. These Ethics Moments help to proactively raise employees' awareness of their ethics-related responsibilities. As an additional groundbreaking innovation, the USDA Office of Ethics created, in partnership with NASA, the Federal government's first avatar-based interactive ethics training that combines space exploration to the Moon and food sustainability in a scenario-based long-distance learning module. This is in addition to the 40 Ethics videos OE created and posted on USDA's YouTube account which are available to all USDA employees, other Federal employees, and members of the public.

In the report OGE issued three recommendations. We have listed each of the recommendations below and briefly summarized the actions we have taken to resolve any deficiencies underlying the recommendations. As noted in both OGE's report and the data we provided in the course of the program review process, the significant understaffing faced by the USDA Ethics Program will necessarily constrain our ability to devote the resources necessary to fully address each of OGE's recommendations. This understaffing is serious and poses a continuing existential risk to the sustainability of USDA's Ethics Program. Nevertheless, we have taken the following actions to address OGE's recommendations:

OGE Recommendation #1: Ensure that public financial disclosure reports are certified timely.

USDA Actions: On March 19, 2025, USDA Office of Ethics senior leaders sent an email to all Office of Ethics employees with a link to this report and held an All-Hands meeting with all OE employees to walk through the report and discuss OGE's recommendations as well as the actions we could take to address them.

In that All-Hands meeting, OE leadership conveyed that although the program review showed that OE staff were working diligently to ensure that financial disclosure reports were filed in a timely fashion and reviewed within 60 days of submission, OE reviewers should continue to follow up with filers to try and receive all the information necessary to complete the certification process. We will continue to emphasize and underscore the importance of certifying financial disclosure reports within 60 days and to encourage OE reviewers to work as diligently as possible with filers to get the reports in the complete and accurate state required to be certified.

We also wish to add a comment regarding this aspect of OGE's program review: The data table measuring whether Public Financial Disclosure Reports (OGE-278e reports) were certified within 60 days. While OGE's report noted that USDA's Office of Ethics timely conducted initial reviews of OGE-278e reports in 118 out of 120 reports randomly sampled (98% timeliness), OGE also noted that USDA was only able to certify 63% of these reports within 60 days. That percentage, by itself, does not reflect the substantial amount of work that is necessary to be completed before an accurate and complete final certification can take place. Financial disclosure reports -- particularly those of new appointees and new career executives -- frequently require substantial revisions and many repeated iterative communications between Ethics Advisors and filers to retrieve and analyze the necessary supplemental information. While these reports are virtually all initially reviewed within 60 days (98%), most of the OGE-278e reports submitted are not in the complete and accurate state required to be certified at the time of initial review. USDA OE reviewers will certify reports in a timely fashion when the reports contain all the necessary information, and the reports comply with all applicable ethics laws and OGE-issued regulations. Simply put, as noted above, OE will use the recommendations in OGE's report as a roadmap to improve and do the best we can within the confines of our very limited staffing resources.

OGE Recommendation #2: Ensure that all SGEs file their confidential financial disclosure reports no later than the first committee meeting they attend or before providing advice to the agency, as required by 5 C.F.R. § 2634.903(b)(3).

OGE Recommendation #3: Ensure that SGE confidential financial disclosure reports are certified timely.

USDA Actions: Both Recommendations 2 and 3 concern SGE confidential financial disclosures. As identified in OGE's program review, USDA's Advisory Committee and Special Government Employee (SGE) programs have proven to be difficult to manage. At the Office of Ethics' current reduced staffing level, which results in a ratio of more than 5,000 USDA clients per one USDA ethics advisor (approximately ten times the average across federal agencies), it is challenging to provide ethics services to USDA's full-time employees, let alone the SGEs serving on USDA's advisory committees. Those challenges are reflected in the low rate of confidential financial disclosure reports submitted by USDA advisory committee members in a timely fashion, as well as the difficulty certifying these reports in a timely fashion.

We would note that all SGEs were notified of the filing requirement, but -- with OE's reduced staffing due to the FY 2024 20% budget cut -- it is extremely challenging to devote the resources

necessary to continually follow up with committee members who have full time jobs outside of the Department and are often are not focused on filing their reports in a timely manner.

To address OGE's recommendation and to make much needed improvements to USDA's SGE program, we have taken two actions:

- 1) On September 12 and 18, 2024, USDA's ADAEO provided two comprehensive one-hour training sessions for all Designated Federal Officials (DFOs) for USDA's more than 200 Federal Advisory Committees (FACs) to ensure the DFOs understood their roles and the ethical implications thereof. This training walked the DFOs through the process of designating committee members as SGEs or representatives. The training also provided a checklist for DFOs relating to ethics. More specifically DFOs were reminded to take the following actions:
 - Reach out to the Office of Ethics each time an SGE is appointed to their committee
 - Reach out to the Office of Ethics each time an SGE leaves their committee
 - Reach out to the Office of Ethics before the first meeting of their committee to schedule ethics training prior to beginning committee work and on an annual basis thereafter.

This training was conducted in partnership with USDA's Committee Management Officer (CMO) to further convey and emphasize the importance of ethics in USDA's advisory committee program. We anticipate that our attempts to educate and partner with the various Committees' DFOs will enhance understanding of the importance of the Confidential Financial Disclosure Reporting Program and improve our SGE filing numbers. To assist OGE's review, we provided a copy of the training slide deck in our response to OGE's initial request for documents. We will continue to renew this training for DFOs in the future to remind them of their obligations.

- 2) Since the majority of USDA's SGEs serve as Members of the Farm Service Agency's (FSA) State Committees, we believe that focusing on those committee members will bear fruit in the form of better filing and training percentages. To that end, USDA's Senior Advisor who has served as FSA's primary advisor for the past several years has developed a multifaceted plan to engage FSA staffers at the State Office level across the country (those who work most closely with the SGE State Committee Members) to seek their assistance in meeting the SGEs' training and financial disclosure requirements. We believe the implementation of this plan will help towards addressing OGE's second recommendation.

As outlined above, OE is proactively working to implement OGE's recommendations to make USDA's ethics program even more successful. If you have any questions about the actions initiated thus far, or our plans for future endeavors, please do not hesitate to reach out to our office.

