

ETHICS PROGRAM INSPECTION REPORT

Agency: Office of the United States Trade Representative (USTR)

Report No.: 25-411

Date: March 14, 2025

Period Covered by Review: January 1, 2024 – February 1, 2025

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

1.0	AGENCY DATA		
	EMPLOYEES		
1.1	Number of full-time agency employees.		245
1.2	Number of Presidentially appointed Senate-confirmed (PAS) public financial disclosure reports required to be filed.		4
1.3	Number of non-PAS public financial disclosure reports required to be filed.		57
1.4	Number of confidential financial disclosure reports required to be filed.		184
	ETHICS PROGRAM		
1.5	Title of Designated Agency Ethics Official (DAEO).	Chief Counsel for Administrative Law	
1.6	Grade level of DAEO.	SL	
1.7	Title of Alternate DAEO (ADAEO).	Associate General Counsel for Administrative Law	
1.8	Grade level of ADAEO.	GS-15	
1.9	Title of the primary, day-to-day ethics program administrator.	Chief Counsel for Administrative Law, Associate General Counsel for Administrative Law	
1.10	Grade level of the primary, day-to-day ethics program administrator.	SL GS-15	
1.11	Current number of full-time ethics officials.	0	
1.12	Current number of part-time ethics officials.	2	
1.13	Number of reporting levels between the DAEO and the agency head.	2	
	COMMENTS		
	1.9: The DAEO and ADAEO jointly administer the day-to-day activities of USTR's ethics program.		

2.0	LEADERSHIP			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
2.1	OGE has received an up-to-date designation from the agency head naming the DAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	☒	☐	☐
2.2	OGE has received an up-to-date designation from the agency head naming the ADAEO. <i>See</i> 5 C.F.R. § 2638.107(a).	☒	☐	☐
	COMMENTS			
	None.			

3.0	PUBLIC FINANCIAL DISCLOSURE (OGE Form 278e, OGE Form 278-T)			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C. app. IV, § 402(d)(1).			
3.1	• Collection of public financial disclosure reports.	☒	☐	☐
3.2	• Review/evaluation of public financial disclosure reports.	☒	☐	☐
3.3	• Public availability of public financial disclosure reports.	☒	☐	☐

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3.4	The agency can demonstrate that late filing fees are collected or, where appropriate, waivers are issued when public filers do not timely file financial disclosure reports.	☐	☐	☒
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	☒	☐	☐
3.6	Public financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.603(g)(1).	☒	☐	☐
3.7	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	☒	☐	☐
3.8	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after termination) notified the DAEO of terminations of employees in positions that require incumbents to file public financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(2).	☒	☐	☐
DATA ANALYSIS		%		
3.9	Percentage of sampled non-PAS new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(b).	90%		
3.10	Percentage of sampled non-PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	90%		
3.11	Percentage of sampled non-PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	100%		
3.12	Percentage of sampled non-PAS public financial disclosure reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.13	Percentage of sampled non-PAS public financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.14	Percentage of sampled PAS annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(a).	100%		
3.15	Percentage of sampled PAS termination reports filed timely. <i>See</i> 5 C.F.R. § 2634.201(e).	100%		
3.16	Percentage of sampled PAS annual and termination reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
3.17	Percentage of sampled PAS annual and termination reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%		
COMMENTS				
3.4: USTR did not have any employees requiring a late fee or waiver during the period covered by the review.				

4.0	CONFIDENTIAL FINANCIAL DISCLOSURE			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency has written policies and procedures in place governing: <i>See</i> 5 U.S.C app. IV, § 402(d)(1).			
4.1	• Collection of confidential financial disclosure reports.	☒	☐	☐
4.2	• Review/evaluation of confidential financial disclosure reports.	☒	☐	☐
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	☒	☐	☐
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	☒	☐	☐
4.5	The agency's OGE-approved alternative confidential financial disclosure system complies with plans approved by OGE. <i>See</i> 5 C.F.R. § 2634.905(a).	☐	☐	☒
4.6	There is reasonable assurance that the lead human resources official or designee promptly (no later than 15 days after appointment) notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports. <i>See</i> 5 C.F.R. § 2638.105(a)(1).	☒	☐	☐
	DATA ANALYSIS	%		

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4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	89%
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	100%
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	100%
4.10	Percentage of sampled confidential financial disclosure reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. §§ 2634.605(a) and 2634.909(a).	100%
COMMENTS		
4.5: USTR does not use an alternative confidential financial disclosure system.		

5.0	NOTICES TO PROSPECTIVE EMPLOYEES			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Written offers of employment for positions covered by the Standards of Conduct provide: <i>See</i> 5 C.F.R. § 2638.303.			
5.1	A statement regarding the agency's commitment to government ethics.	☒	☐	☐
5.2	Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	☒	☐	☐
5.3	Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	☒	☐	☐
5.4	Where applicable, notice of the time frame for completing initial ethics training.	☒	☐	☐
5.5	Where applicable, a statement regarding financial disclosure requirements and an explanation that new entrant reports must be filed within 30 days of appointment.	☒	☐	☐
5.6	The agency has established written procedures for issuing the notice to prospective employees. <i>See</i> 5 C.F.R. § 2638.303(c).	☐	☐	☒
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	☐	☐	☒
5.8	The agency can demonstrate that there is an effective process for ensuring all covered employees receive the required information with their written offer of employment. <i>See</i> 5 C.F.R. § 2638.303.	☒	☐	☐
COMMENTS				
5.6, 5.7: The Executive Office of the President (EOP), Office of Administration-Human Resources (EOP/OA-HR) provides personnel services to EOP component agencies. This includes sending the required notices to prospective employees and new supervisors. After reviewing sample notices there appears to be evidence that there is a system in place from the EOP/OA-HR office that covered employees receive the required information with their written offer of employment. USTR ethics officials rely on EOP/OA-HR to send the notices, however agency ethics officials are responsible for ensuring that all ethics program requirements are met. Written procedures are critical for delineating responsibility and ensuring a program's continuity. OGE suggests EOP/OA-HR share the relevant procedures with USTR ethics officials to ensure USTR has communicated the need for written procedures and USTR's understanding that OA has written procedures explaining how EOP/OA-HR provides the notices.				

6.0	NOTICES TO NEW SUPERVISORS			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	The agency must provide each employee upon initial appointment to a supervisory position with: <i>See</i> 5 C.F.R. § 2638.306.			
6.1	Contact information for the agency's ethics office.	☒	☐	☐
6.2	The text of 5 C.F.R. § 2638.103.	☒	☐	☐
6.3	A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	☒	☐	☐

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6.4	• Other information the DAEO deems necessary.	☐	☐	☒
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	☐	☐	☒
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	☐	☐	☒
6.7	The agency can demonstrate that there is an effective process for ensuring that new supervisors receive the required information within one year of appointment. <i>See</i> 5 C.F.R. § 2638.306(b).	☒	☐	☐
COMMENTS				
6.4: The DAEO did not deem any additional information necessary. 6.5, 6.6: EOP/OA-HR provides the required notices to new supervisors, as previously noted. <i>See</i> OGE's notes from 5.6-5.7.				

7.0	INITIAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.			
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	☒	☐	☐
7.2	The agency provided new employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	☒	☐	☐
7.3	The agency has established written procedures for initial ethics training. <i>See</i> 5 C.F.R. § 2638.304(f).	☒	☐	☐
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.304(f).	☒	☐	☐
	DATA ANALYSIS	%		
7.5	Percentage of new employees who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	100%		
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See</i> 5 C.F.R. § 2638.304(b).	100%		
	COMMENTS			
	None.			

8.0	ANNUAL ETHICS TRAINING			
	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Each calendar year, public filers, confidential filers, and certain other employees must complete ethics training which meets specified requirements. <i>See</i> 5 C.F.R. §§ 2638.307 and 2638.308.			
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See</i> 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).	☒	☐	☐
8.2	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency's ethics officials. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	☒	☐	☐
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(d) and 2638.308(e).	☒	☐	☐

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8.4	The agency’s program for annual ethics training complies with the tracking requirements for public filers, confidential filers, and certain other employees. <i>See</i> 5 C.F.R. §§ 2638.307(f) and 2638.308(g).	☒	☐	☐
8.5	The agency can demonstrate it has an effective process for ensuring covered public filers, other than those whose pay is set at Level I or Level II of the Executive Schedule, complete live annual ethics training at least once every two years. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	☒	☐	☐
DATA ANALYSIS		Training Format		
		Live	Interactive	
	Percentage of public filers who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.308(a).			
8.6	Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1).	100%	0%	
8.7	Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2).	100%	0%	
8.8	SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3).	99%	0%	
	Percentage of confidential filers and certain other employees who completed annual ethics training before the end of the calendar year. <i>See</i> 5 C.F.R. § 2638.307(a)(d).			
8.9	Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1).	99%	0%	
8.10	Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	100%	0%	
8.11	Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).			
8.12	Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).			
8.13	Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).			
COMMENTS				
	8.10-8.13: The agency head has required all USTR employees to receive annual ethics training.			

9.0	ETHICS ADVICE AND COUNSELING			
	COMPLIANCE REQUIREMENT	Yes	No	N/A
9.1	Based on a sample collected by OGE, guidance provided by agency ethics officials to employees appears to be consistent with applicable laws and regulations. <i>See</i> 5 C.F.R. § 2638.104(c)(4).	☒	☐	☐
COMMENTS				
None.				

10.0	SPECIAL GOVERNMENT EMPLOYEES (SGE) SERVING ON ADVISORY COMMITTEES AND BOARDS	
Confidential Financial Disclosure		
10.1	Number of SGEs serving on Advisory Committees and Boards.	8
	DATA ANALYSIS	%
10.2	Percentage of sampled confidential new entrant reports filed timely. See 5 C.F.R. § 2634.903(b).	N/A
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE’s first meeting. See 5 C.F.R. § 2634.605(a).	N/A
10.4	Percentage of sampled reports certified within 60 days of receipt. See 5 C.F.R. § 2634.605(a).	N/A

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	COMPLIANCE REQUIREMENTS	Yes	No	N/A
	Required ethics training must be provided to each SGE. See 5 C.F.R. §§ 2638.304 and 2638.307.			
10.5	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. See 5 C.F.R. § 2638.304(e)(1).	☒	☐	☐
10.6	The agency provided employees with either the following written materials or written instruction for accessing them: The summary of the Standards of Conduct distributed by the Office of Government Ethics or an equivalent summary prepared by the agency; provisions of any supplemental agency regulation that the DAEO determines to be relevant or a summary of those provisions; such other written materials as the DAEO determines should be included; instructions for contacting the agency’s ethics officials. See 5 C.F.R. § 2638.304(e)(2).	☒	☐	☐
	DATA ANALYSIS	%		
10.7	Percentage of SGEs who received initial ethics training. See 5 C.F.R. § 2638.304.	N/A		
10.8	Percentage of SGEs who received initial ethics training timely. See 5 C.F.R. § 2638.304(b)(2).	N/A		
10.9	Percentage of SGEs who received annual ethics training. See 5 C.F.R. § 2638.307(d)(2).	See review’s note		
	COMMENTS			
	10.2-10.4: The agency determined that these SGE members play no role in formulating USTR policy, and the duties of their positions make remote the possibility that they will be involved in a real or apparent conflict of interest and determined that they did not need to file financial disclosure reports. 10.9: When asked to provide SGE training records, the USTR DAEO stated that the Office of Intergovernmental Affairs and Public Engagement, which oversees the advisory committees, distributes training materials. USTR does not have legal custody of the records and cannot provide them.			