

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Agency for Development (USAID)

Report No.: 24-451

Date: July 11, 2024

Period Covered by Review: January 1, 2023 through December 31, 2023

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.	10,536
1.2	Number of Presidentially appointed, Senate-confirmed (PAS) public financial disclosure reports required to be filed.	9
1.3	Number of non-PAS public financial disclosure reports required to be filed.	641
1.4	Number of confidential financial disclosure reports required to be filed.	3,710
	ETHICS PROGRAM	
1.5	Title of Designated Agency Ethics Official (DAEO).	Assistant General Counsel for Ethics and Administration
1.6	Grade level of DAEO.	SES
1.7	Title of Alternate DAEO (ADAEO).	Deputy Assistant General Counsel for Ethics
1.8	Grade level of ADAEO.	GS-15
1.9	Title of the primary, day-to-day ethics program administrator.	Deputy Assistant General Counsel for Ethics
1.10	Grade level of the primary, day-to-day ethics program administrator.	GS-15
1.11	Current number of full-time ethics officials.	4
1.12	Current number of part-time ethics officials.	47
1.13	Number of reporting levels between the DAEO and the agency head.	2
	COMMENTS	
	None	

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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	COMMENTS			
	None			

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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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	• Review/evaluation of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	• Public availability of public financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	Public financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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).	100%		
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).	83%		
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).	71%		
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).	See comment below		
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).	89%		
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).	66%		
	COMMENTS			
	<p>(3.4) None of the reports OGE examined were subject to a late filing fee during the period covered by the inspection.</p> <p>(3.6) OGE identified public reports dating back to 2016 that had not been destroyed at the time of examination. However, ethics officials confirmed before the issuance of this report that all such records have now been destroyed. As a result, OGE is not making a formal recommendation for improvement in this area. In accordance with 5 C.F.R. § 2634.603(g)(1), OGE reminds the DAEO to destroy all public reports exceeding the six-year retention period unless needed for an ongoing investigation.</p> <p>(3.7 – 3.8) OGE examined USAID’s response to OGE’s 2023 Annual Agency Ethics Program Questionnaire (Questionnaire), which indicated that in some cases, officials responsible for human resources were not notifying ethics officials of appointments to public (and confidential) filing positions due to a vacancy in the agency’s career Chief Human Capital Officer (CHCO) position, along with significant turnover in other human resource leadership positions. The vacancy and significant turnover, combined with an increased workload in the</p>			

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Office of Human Capital and Talent Management (HCTM) and a reduced staff in HCTM, led to inconsistent and disrupted HCTM processes. To address this issue, HCTM started working with the DAEO and the Bureau for Management to improve the identification and notification of all financial disclosure filers in compliance with 5 C.F.R. § 2638.105. OGE recommends that ethics officials continue its coordination efforts with human resource officials to help ensure all OGE regulatory ethics program related requirements are met.

(3.13) OGE identified 35 (30%) of the 120 public reports it examined as having been certified after the 60th day of receipt. OGE was advised that in many instances ethics officials needed additional information from the filer before final certification could occur. As such, OGE is not making a formal recommendation in this area.

(3.15) USAID did not have any PAS termination public filers during the period of inspection.

(3.17) Of the 9 PAS annual reports that OGE examined, 6 were certified within 60 days of receipt. The remaining 3 PAS reports were certified after the 60th day of receipt, with certification dates ranging from 6 to 29 days after the 60th day.

4.0 CONFIDENTIAL FINANCIAL DISCLOSURE**COMPLIANCE REQUIREMENTS**

Yes No N/A

The agency has written policies and procedures in place governing: *See* 5 U.S.C app. IV, § 402(d)(1).

4.1	• Collection of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	• Review/evaluation of confidential financial disclosure reports.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Confidential financial disclosure reports are securely maintained. <i>See</i> OGE/GOVT-2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Confidential financial disclosure reports are retained in accordance with the retention requirements. <i>See</i> 5 C.F.R. § 2634.604.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DATA ANALYSIS

%

4.7	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	58%
4.8	Percentage of sampled confidential annual reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(a).	94%
4.9	Percentage of sampled reports reviewed within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	93%
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).	93%

COMMENTS

(4.0) The DAEO has procured Intelliworx Financial Disclosure System (FDonline), an electronic financial disclosure reporting system (e-filing) which is expected to launch in August 2024. This system aims to assist the agency in administering the confidential financial disclosure program and address some of the unique challenges of the agency's ethics program. OGE supports USAID's pursuit of this endeavor as other executive branch agencies using an e-filing system have found significant efficiencies in time and resources, with the resources saved moved to other essential aspects of financial disclosure, such as conflict analysis and other elements of the overall ethics program.

(4.4) OGE could not independently determine whether confidential reports met retention requirements. Therefore, OGE reminds ethics officials to ensure proper retention during the transition to the e-filing system.

(4.5) USAID does not have an OGE-approved alternative confidential financial disclosure report.

(4.6) See comment at 3.7 - 3.8 above.

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(4.7) OGE examined a sample of 50 new entrant reports filed with ethics officials in 2023. Of the 50 reports, OGE identified 21 as being filed late. OGE also found several new entrant reports that may have listed an incorrect appointment date.

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	• Notice that the individual will be subject to the Standards of Conduct and the criminal conflict of interest statutes as an employee.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	• Contact information for an appropriate agency ethics office or an explanation of how to obtain additional information on applicable ethics requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	• Where applicable, notice of the time frame for completing initial ethics training.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.7	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.303(c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
(5.5) A statement regarding financial disclosure requirements was not necessary for the written offer letters OGE examined because none of the prospective employees were required to file a financial disclosure report.				

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	• The text of 5 C.F.R. § 2638.103.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	• A copy of, a hyperlink to, or the address of a Web site containing the Principles of Ethical Conduct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	• Other information the DAEO deems necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.5	The agency has established written procedures for supervisory ethics notices. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.6	The agency's written procedures are reviewed by the DAEO each year. <i>See</i> 5 C.F.R. § 2638.306(d).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COMMENTS				
None				

7.0 INITIAL ETHICS TRAINING

COMPLIANCE REQUIREMENTS		Yes	No	N/A
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	Each new employee of the agency subject to the Standards of Conduct must complete initial ethics training. <i>See 5 C.F.R. § 2638.304.</i>			
7.1	The training presentation(s) addressed concepts related to conflicts of interest, impartiality, misuse of position and gifts. <i>See 5 C.F.R. § 2638.304(e)(1).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 5 C.F.R. § 2638.304(e)(2).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	The agency has established written procedures for initial ethics training. <i>See 5 C.F.R. § 2638.304(f).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.4	The agency's written procedures are reviewed by the DAEO each year. <i>See 5 C.F.R. § 2638.304(f).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DATA ANALYSIS	%		
7.5	Percentage of new employees who received initial ethics training. <i>See 5 C.F.R. § 2638.304.</i>	100%		
7.6	Percentage of new employees who received initial ethics training within three months of appointment. <i>See 5 C.F.R. § 2638.304(b).</i>	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 5 C.F.R. §§ 2638.307 and 2638.308.</i>			
8.1	The training presentation(s) addressed concepts related to financial conflicts of interest, impartiality, misuse of position and gifts. <i>See 5 C.F.R. §§ 2638.307(e)(1) and 2638.308(f)(1).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 5 C.F.R. § 2638.307(e)(2) and 2638.308(e)(2).</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.3	The agency's annual ethics training complies with the formatting requirements for public filers, confidential filers, and certain other employees. <i>See 5 C.F.R. §§ 2638.307(d) and 2638.308(e).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 5 C.F.R. §§ 2638.307(f) and 2638.308(g).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 5 C.F.R. § 2638.308(e)(2).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	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	<ul style="list-style-type: none"> Executive Schedule Level I and Level II. <i>See</i> 5 C.F.R. § 2638.308(e)(1). 	See comment below	N/A
8.7	<ul style="list-style-type: none"> Other PAS and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(2). 	See comment below	N/A
8.8	<ul style="list-style-type: none"> SES and Equivalent. <i>See</i> 5 C.F.R. § 2638.308(e)(3). 	71%	N/A
	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	<ul style="list-style-type: none"> Employees required to file an annual confidential financial disclosure report. <i>See</i> 5 C.F.R. § 2638.307(a)(1). 	77%	N/A
8.10	<ul style="list-style-type: none"> Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	See comment below	N/A
8.11	<ul style="list-style-type: none"> Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2). 	See comment below	N/A
8.12	<ul style="list-style-type: none"> Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3). 	See comment below	N/A
8.13	<ul style="list-style-type: none"> Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4). 	96%	N/A
	COMMENTS		
	<p>(8.0) All USAID employees, including personal service contractors, are required to receive one hour of live, annual ethics training. Institutional support contractors (i.e. independent contractors) do not take USAID annual ethics training.</p> <p>(8.2) To further strengthen the annual training material already provided to USAID employees, OGE recommends the DAEO provide a direct website link to the Standards of Conduct (as well as the criminal conflict of interest statutes) for USAID employees to access. This will ensure that USAID fully complies with the annual training requirement at 5 C.F.R. § 2638.308(f)(2).</p> <p>(8.6) At the time of inspection, OGE could not independently verify whether the USAID Administrator completed the required annual ethics training using the agency's training tracking spreadsheet. The DAEO later confirmed that he personally provided the Administrator with in-person ethics training.</p> <p>(8.7) OGE could not independently verify whether five other PAS filers completed their required annual ethics training since their names were omitted from the agency's annual training tracking spreadsheet. The DAEO later confirmed that all five PAS filers received annual training in 2023. After cross-checking with the original annual training sign-in sheets, ethics officials confirmed that the agency's annual training tracking spreadsheet provided to OGE was incomplete. OGE was advised that efforts were being made to investigate the discrepancy between the lists and the reason for having two lists, to ensure accurate information going forward.</p> <p>(8.8) OGE examined USAID's annual training response to OGE's Questionnaire, which indicated that out of the 408 public filers required to receive annual ethics training, only 289 received the training. Ethics officials explained that this was because some overseas ethics officials needed to track ethics training attendance more consistently and accurately. Therefore, ethics officials indicated they would reconsider their procedures to ensure compliance with the ethics training attendance certification requirement.</p>		

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- (8.9) OGE examined USAID's annual training response to OGE's Questionnaire, which indicated that out of the 3,401 confidential filers required to receive annual ethics training, only 2,639 received the training. The reason for this was the same cited above at 8.8.
- (8.10 – 8.11) USAID does not have any employees in this category.
- (8.12) These employees are included at 8.9.
- (8.13) OGE was advised by ethics officials that all USAID staff, including institutional support contractors and personal service contractors, are required to receive the required one hour of live, 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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	See comment below
DATA ANALYSIS		%
10.2	Percentage of sampled confidential new entrant reports filed timely. <i>See</i> 5 C.F.R. § 2634.903(b).	See comment below
10.3	Percentage of sampled reports reviewed within 60 days of receipt but not later than the SGE's first meeting. <i>See</i> 5 C.F.R. § 2634.605(a).	See comment below
10.4	Percentage of sampled reports certified within 60 days of receipt. <i>See</i> 5 C.F.R. § 2634.605(a).	See comment below

Ethics Training

COMPLIANCE REQUIREMENTS		Yes	No	N/A
Required ethics training must be provided to each SGE. <i>See</i> 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. <i>See</i> 5 C.F.R. § 2638.304(e)(1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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. <i>See</i> 5 C.F.R. § 2638.304(e)(2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATA ANALYSIS		%		
10.7	Percentage of SGEs who received initial ethics training. <i>See</i> 5 C.F.R. § 2638.304.	See comment below		
10.8	Percentage of SGEs who received initial ethics training timely. <i>See</i> 5 C.F.R. § 2638.304(b)(2).	See comment below		

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10.9	Percentage of SGEs who received annual ethics training. <i>See</i> 5 C.F.R. § 2638.307(d)(2).	See comment below
COMMENTS		
<p>(10.1 – 10.4) According to USAID’s response to OGE’s 2023 Questionnaire, 14 SGEs served in some capacity at the agency during the inspection period. Out of these 14 SGEs, 13 were expected to serve on an advisory committee for 60 days or less. Per 5 C.F.R. § 2634.904(b), the DAEO determined that 13 of the 14 SGEs were exempt from the confidential financial disclosure reporting requirements because the nature of the duties of these SGE member positions made it unlikely that the incumbents would be involved in a real or apparent conflict of interest. OGE did not examine the public report filed by the remaining SGE did not serve on an advisory committee.</p> <p>(10.7 – 10.9) As part of the inspection, USAID did not provide OGE with any tracking records related to SGE training. Therefore, OGE couldn’t independently verify whether the 14 SGEs had received the required initial or annual ethics training.</p>		

ISSUES IDENTIFIED AND RESOLVED DURING THE INSPECTION

Element	ISSUE
3.6	<p><u>ISSUE:</u> Public financial disclosure reports were found to exceed the six-year retention period.</p> <p><u>AGENCY RESPONSE:</u> All such records have been destroyed and were done so before the issuance of this report.</p>
8.6	<p><u>ISSUE:</u> At the time of examination, it was unclear whether the USAID Administrator had completed the required annual ethics training using the agency's training tracking spreadsheet.</p> <p><u>AGENCY RESPONSE:</u> The DAEO confirmed that he personally provided the Administrator with individual ethics training. It was found that the Administrator's name was accidentally left off the training spreadsheet.</p>
8.7	<p><u>ISSUE:</u> At the time of examination, it was unclear whether nine other PAS filers completed the required annual ethics training using the agency's training tracking spreadsheet.</p> <p><u>AGENCY RESPONSE:</u> We discovered the ethics attendance list we submitted to OGE for inspection needed to be completed. After reviewing the original sign-in sheet for the 2023 annual training, we confirmed that all nine PAS filers had completed the required ethics training in 2023. We are investigating the discrepancy between the lists and the reasons for having two lists to ensure accurate information in the future.</p>

ETHICS PROGRAM INSPECTION REPORT

Agency: U.S. Agency for Development (USAID)

Report No.: 24-451

Date: July 11, 2024

Period Covered by Review: January 1, 2023 through December 31, 2023

UNITED STATES OFFICE OF GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

RECOMMENDATIONS			
#	Element	RECOMMENDATION	Compliance Due
1	3.7 - 3.8 and 4.6	<p><u>RECOMMENDATION:</u> Continue coordination efforts with USAID human resource officials to help ensure all OGE regulatory ethics program related requirements are met.</p> <p><u>AGENCY RESPONSE:</u> With the imminent publication of the Agency's updated policy on "Ethics and Standards of Conduct" (ADS 109) that clearly delineates HR and HR personnel responsibilities for various ethics program notifications, the USAID ethics program is confident that this, in conjunction with ethics program coordination, will significantly improve HR compliance. Additionally, the imminent hiring of a USAID CHCO with federal government HR experience will provide the necessary leadership to appropriately emphasize this requirement.</p>	January 2025
2	4.7	<p><u>RECOMMENDATION:</u> Ensure that all confidential financial disclosure reports are filed timely as required by 5 C.F.R. § 2634.903(a)(b). Also, ensure that reports with inaccurate information are returned to filers for correction.</p> <p><u>AGENCY RESPONSE:</u> The ethics office has communicated to reviewing officials the importance of ensuring accuracy of the "appointed date" despite colloquial differences in the Foreign Service and ad-hoc duties that trigger OGE-450 filing status.</p>	February 2025
3	7.2, 8.2	<p><u>RECOMMENDATION:</u> Provide a direct link to the Standards of Conduct (as well as the criminal conflict of interest statutes) to further strengthen the initial ethics and annual training material already provided to Council employees.</p> <p><u>AGENCY RESPONSE:</u> Accepted</p>	Upon issuance of this report
4	8.8	<p><u>RECOMMENDATION:</u> Ensure that all public filers complete the required annual ethics training before the end of each calendar year.</p> <p><u>AGENCY RESPONSE:</u> USAID requires all employees to complete live ethics training each year. The ethics office will closely monitor OGE-278 filers to ensure compliance with the ethics training requirement.</p>	January 2025
5	8.9	<p><u>RECOMMENDATION:</u> Ensure that all confidential filers complete the required annual ethics training before the end of each calendar year.</p> <p><u>AGENCY RESPONSE:</u> USAID requires all employees to complete live ethics training each year. Ethics officials have been advised to closely monitor OGE-450 filers to ensure compliance with the ethics training requirement.</p>	January 2025