



# Ethics Program Review

United States Department of Agriculture

Report No. 22-38  
June 28, 2022



The United States Office of Government Ethics (OGE) conducted a review of the United States Department of Agriculture (USDA) ethics program from January through April 2022. 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.<sup>1</sup> 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 (OE). 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 OE provides for USDA's ethics program department-wide. OGE's review focused primarily on ethics program activities that occurred in 2021.

**Methodology:** OGE examined a variety of materials provided by USDA ethics officials, including the agency's response to OGE's 2021 Annual Agency Ethics Program Questionnaire, written procedures for administering the ethics program, samples of public and confidential financial disclosure reports filed in 2021, 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.

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<sup>1</sup> See 5 U.S.C. app. § 402 and 5 C.F.R. part 2638.

## Agency Background

USDA is the cabinet-level department of the federal executive branch whose mission is to provide leadership on food, agriculture, natural resources, and related issues. USDA is made up of 29 agencies and offices with nearly 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 20 additional ethics officials. These officials consist of a Branch Chief, a Senior Advisor for Financial Disclosure, seven Senior Ethics Advisors, six Ethics Specialists, an Administration Management Specialist, and four Program Support Specialists.

The duties of OE 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. OE also serves as liaison to OGE.

## 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.<sup>2</sup> 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.<sup>3</sup> 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 terminating 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 then distributes the 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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<sup>2</sup> See Section 402(d)(1) of the Ethics in Government Act.

<sup>3</sup> See 5 C.F.R. § 2638.105(a)(1) and (2).

<sup>4</sup> See 5 C.F.R. § 2634.201(b).

<sup>5</sup> See 5 C.F.R. § 2634.201(a) and (e).

<sup>6</sup> 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 40 termination reports that were required to be filed in 2021. 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
<b>Reports Examined</b>	50	50	40	140
<b>Filed Timely</b>	44 (88%)	48 (96%)	40 (100%)	132 (92%)
<b>Reviewed within 60 Days</b>	48 (96%)	49 (98%)	40 (100%)	137 (98%)
<b>Certified within 60 Days</b>	31 (62%)	31 (62%)	40 (100%)	102 (73%)

OGE found that only 31 (62%) of the 50 new entrant reports examined were certified within 60 days of submission and that, overall, only 102 (73%) of the total of 140 reports examined were certified within 60 days of submission.

#### 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.<sup>7</sup> The individual must also subsequently file an annual report by February 15 each year.<sup>8</sup> 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.<sup>9</sup>

To evaluate the administration of USDA's confidential financial disclosure system, OGE examined a sample of 52 new entrant and 51 annual reports that were required to be filed in 2021. Table 2 below presents the results of OGE's examination.

<sup>7</sup> See 5 C.F.R. § 2634.903(b).

<sup>8</sup> See 5 C.F.R. § 2634.903(a).

<sup>9</sup> See 5 C.F.R. § 2634.605.

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

	New Entrant		Annual		Total	
<b>Reports Examined</b>	52		51		103	
<b>Filed Timely</b>	40	(77%)	50	(98%)	90	(87%)
<b>Reviewed within 60 days</b>	50	(96%)	50	(98%)	100	(97%)
<b>Certified within 60 days.</b>	47	(90%)	47	(92%)	94	(91%)

As indicated in Table 2, 50 (96%) of 52 new entrant reports OGE examined were filed timely and 47 (90%) of the new entrant reports examined were certified timely. OGE reviewers also found that 50 (98%) of 51 annual reports examined were filed and reviewed timely and 47 (92%) were certified timely. However, only 40 of the 52 new entrant reports OGE examined (77%) were filed timely.

OGE's most recent review of the USDA's ethics program was in 2017. During that review, ethics officials noted that the USDA's previously decentralized ethics program was consolidated into the current OE in 2006. OE was initially staffed with 36 full-time equivalent employees (FTEs). However, ethics officials explained that from 2009 to 2012, the number of FTEs in OE was reduced from 36 to 24. Ethics officials further explained that since 2012, the number of FTEs in OE had been subsequently reduced to 22 (a 39% reduction in staffing overall). During OGE's 2017 review, ethics officials stated that the reduction in staffing had a significant deleterious impact on OE's ability to meet ethics program requirements, particularly as they relate to the timely collection and review of financial disclosure reports. During the current review, ethics officials stated that OE's staffing level continues to create challenges in this regard.

### Recommendation

2. Ensure that new entrant confidential financial disclosure reports are filed 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.<sup>10</sup> An ethics education program is

<sup>10</sup> See 5 C.F.R. Part 2638 Subpart C.

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<sup>11</sup>. 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.<sup>12</sup> OGE determined that all four PAS officials at USDA who were appointed during the period covered by OGE's review completed the required briefing within 15 days of the date of their appointment.

### **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 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.<sup>13</sup>

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. 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.<sup>14</sup>

OGE reviewed the materials USDA used to provide IET to new employees in 2021 and determined that the materials met applicable content requirements. OGE also reviewed USDA's

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<sup>11</sup> See 5 C.F.R. Part 2634.201 (c) (2)

<sup>12</sup> See 5 C.F.R. § 2638.305.

<sup>13</sup> See 5 C.F.R. § 2638.303.

<sup>14</sup> See 5 C.F.R. § 2638.304.

records for tracking IET and found that 88% of the employees required to receive IET in 2021 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. Ethics officials do follow-up with those who don't attend initial ethics training, but ultimately some never received the required training in 2021.

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

According to OE officials, in 2021 USDA conducted annual training for political appointees, including USDA's two 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 requirement.

OE officials also explained that career public filers received ethics training through online modules and videoconference sessions. OGE reviewed the modules and 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. This has allowed the Office of Ethics to proactively refresh the Department's most senior leaders about the ethics rules and the requirements imposed by the White House's Ethics Pledge.

OGE examined USDA's 2021 training completion records and determined that 99% of all public filers received annual ethics training in 2021.

### **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

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<sup>15</sup> See 5 C.F.R. § 2638.308.



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.<sup>16</sup>

According to OE, in 2021 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 97% received annual ethics training in 2021.

### Model Practices

OGE identifies model practices and shares them when it appears they may benefit other executive branch agency ethics programs. OGE considers the following to be model practices implemented at USDA Headquarters.

- The USDA Ethics Mobile App – USDA's Ethics Mobile Application (the USDA Ethics App) is free to all Federal agencies and members of the public who wish to learn more about the ethics rules. USDA was the first government agency to create this multi-platformed, multi-media Ethics App that contains an ethics library, two ethics educational games, ethics videos, ethics Forms, and electronic ethics one-pagers.
- The USDA-NASA Ethics Training Game – USDA, in partnership with NASA, created the Federal government's first avatar-based ethics training game. The USDA-NASA Ethics Training Game is being used as the annual training module for USDA and NASA employees. The game is accessible on USDA's Ethics website and also on the USDA Ethics App to make this dynamic resource fully available to all Federal employees and interested members of the public.
- Ethics Videos – USDA has created five new video podcast presentations featuring a panel of some of the members of the USDA Office of Ethics discussing current topics in ethics. USDA has also more than doubled its number of free ethics related videos on YouTube to more than two dozen since 2017.

### 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-

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<sup>16</sup> See 5 C.F.R. § 2638.307.

employment restrictions applicable to them.<sup>17</sup> 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 2021. 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.

### **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.<sup>18</sup> 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 requires all USDA employees, except special government employees, to obtain written approval prior to engaging in certain outside employment.<sup>19</sup> To evaluate employees' compliance with USDA's prior approval requirement, OGE reviewed the outside activities that were reported on the public and confidential financial disclosure reports examined while evaluating USDA's financial disclosure systems. OGE examined a sample of five instances of outside employment or activities disclosed in the reports and determined that all filers properly received prior approval before engaging in the disclosed outside employment or activity.

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<sup>17</sup> See 5 C.F.R. § 2638.104 (c)(4).

<sup>18</sup> See Executive Order 12674 and 5 C.F.R. § 2635.105.

<sup>19</sup> See 5 CFR Part 8301.102

## 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.<sup>20</sup> 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.<sup>21</sup> OGE's review found that USDA issued one such waiver in 2021. OGE was consulted on this waiver.

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.<sup>22</sup> 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 the four PAS officials confirmed in 2021 certified that they had timely complied with the terms of their ethics agreements.

## 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).<sup>23</sup> OGE's review found that USDA made no such referrals in 2021.

Additionally, OGE's review found that in 2021 there were no disciplinary actions taken based wholly or in part upon violations of the criminal conflict of interest laws and one disciplinary action taken 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.<sup>24</sup> SGEs are required to file financial disclosure reports and receive ethics training.

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<sup>20</sup> See 18 U.S.C. § 208.

<sup>21</sup> See Executive Order 12674.

<sup>22</sup> See 5 U.S.C. app. § 110.

<sup>23</sup> See 5 C.F.R. § 2638.206.

<sup>24</sup> See 18 U.S.C. § 202(a).

## 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.<sup>25</sup>

USDA has 388 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 random sample of 26 SGE confidential disclosure reports from various committee members and experts for review. Table 3 below presents the results of OGE's review of these 26 reports.

**Table 3. Examination of SGE Confidential Financial Disclosure Reports**

<b>Confidential Reports Examined</b>	26	
<b>Filed Timely</b>	17	(65%)
<b>Reviewed within 60 Days of Receipt</b>	25	(96%)
<b>Certified within 60 Days of Receipt</b>	25	(96%)

As shown in Table 3, OGE found that ethics officials reviewed and certified 25 (96%) of the 26 reports within 60 days of being filed. However, only 17 (65%) reports were filed timely.

It is vital that reports are filed timely so that agency officials have the opportunity to review them prior to SGEs attending committee meetings or otherwise providing advice to an agency. This review is necessary 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.

### Recommendation

3. 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).

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<sup>25</sup> 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.

## 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. However, OGE also examined USDA training records and found that USDA provided ethics training to only 23% of SGEs in 2021.

### Recommendation

4. Ensure that SGEs receive required ethics training.

### **Agency Comments**

Thank you for the opportunity to comment on the U.S. Office of Government Ethics (OGE) Program Review Report for the Ethics Program at the U.S. Department of Agriculture (USDA). We greatly appreciate the efforts of the OGE review team throughout this process. USDA's Office of Ethics (OE) is committed to ensuring that the Department's employees uphold the highest standards of ethical conduct. We appreciate that your report was supportive of the advice, guidance, live trainings and innovative long-distance training resources that OE Ethics Advisors provide to USDA employees. We concur with the report's recommendations and request that the comments provided below be appended to the report to add context to and provide a more complete picture of USDA's ethics program.

USDA is one of the largest departments in the executive branch. OGE noted in the "Agency Background" section of the report, USDA has nearly 100,000 employees spread across the country. As also noted in OGE's report, systematic reductions in the USDA's Office of Ethics have had a significantly deleterious impact on OE's ability to meet the requirements imposed on Federal Ethics Programs, particularly those related to the collection and review of financial disclosure reports. As noted in OGE's report, USDA's Office of Ethics currently has a staff of 22 FTE employees which reflects a 39% reduction overall from the 36 FTE positions that were previously in the Office of Ethics. This understaffing is serious and poses a continuing existential risk to the sustainability of USDA's Ethics Program.

Despite OE's resource limitations, the USDA Office of Ethics has focused intently on creating tailored ethics trainings and developing innovative long-distance ethics training products. We have utilized technology to act as a "force multiplier," allowing OE's small staff to reach as many of USDA's employees as possible. We greatly appreciate that OGE highlighted several of the model practices implemented at USDA, including the USDA Ethics Mobile App (which was the first of its kind in the Federal government), USDA's numerous Ethics Training Videos on YouTube and on the USDA Ethics webpage, and the trailblazing USDA-NASA Ethics Training Game (another first of its kind avatar-based ethics training in the Federal government).

As USDA's DAEO shared with OGE during this program review, we believe that these proactive model practices have served to strengthen the ethical culture at USDA. Additionally, USDA has made all of these innovative resources available to the Federal ethics community, other executive branch agencies, and members of public interested in learning more about Federal ethics rules. As an example of the positive effects of this open sharing of our resources, the White House's Office of Management and Budget (OMB) is currently using the USDA-NASA Ethics Game as the 2022 annual Ethics training required for all OMB employees.

Apart from these notable agency model practices, we wish to add a comment with regard to one aspect of OGE's program review: The data tables measuring whether Confidential and Public Financial Disclosure Reports (OGE-278 and OGE-450 reports) were certified within 60 days. The numbers, by themselves, do not reflect the substantial work that is necessary to be completed before an accurate and complete certification can take place. Financial disclosure reports -- particularly those of new appointees and new career employees -- frequently need substantial revisions and repeated iterative communications between Ethics Advisors and filers to retrieve and analyze the necessary supplemental information. While these reports are very often reviewed within 60 days, they are not in the complete and accurate state required to be certified at the time of initial review. USDA reviewers will certify reports in a timely fashion when the reports contain all the necessary information and comply with all applicable ethics laws and regulations. Simply put, 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 limited staffing resources.

As OGE observed in its 2016 Program Review, USDA's Ethics Program has suffered from significant understaffing. Since that Program Review, our staffing level has fallen yet again to its current level of 22 FTEs. The Office of Ethics created the technological innovations reflected in OGE's report in an effort to compensate for the significant reductions in staffing of USDA's Ethics Program. Our concern is that USDA's Office of Ethics has reached the upper limit of what technology alone can provide. To be specific, we have squeezed every possible efficiency available, and without additional staffing resources, USDA's Ethics Program is now facing a critical existential juncture. We are concerned that, without an adequately staffed departmental Ethics Program, the 100,000 employees of the U.S. Department of Agriculture will face heightened and significant risks from what could have been preventable and avoidable violations of Federal Ethics rules. We would note that overcoming the significant limitations imposed by staffing reductions in the Office of Ethics will require continued extraordinary efforts by the incredibly dedicated team at USDA's Office of Ethics.