



Ethics Program Review

U.S. Department of Justice Headquarters

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The United States Office of Government Ethics (OGE) conducted a review of the United States Department of Justice Headquarters (DOJ HQ) ethics program from February to April 2025. The following summarizes the results of this 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 reviewed the administration of the ethics program within DOJ HQ. This review included the public and confidential financial disclosure systems, ethics education and training, required notices for prospective employees and new supervisors, ethics counseling, conflicts of interest, and enforcement of ethics-related restrictions. OGE’s review focused primarily on ethics program activities that occurred in 2024.

At the onset of this review, six recommendations for corrective action remained open from OGE’s 2022 review of DOJ HQ’s ethics program. Along with the typical scope for a review outlined above, OGE also assessed whether DOJ HQ had taken sufficient action to resolve the deficiencies underlying these open recommendations.

Methodology: OGE examined a variety of documents provided by DOJ HQ ethics officials, including DOJ’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 counseling provided to employees.

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

Agency Background

The Department of Justice (DOJ) is the cabinet-level department of the federal executive branch tasked with enforcing the law and defending the interests of the United States according to the law. According to its website, DOJ's mission is, "to uphold the rule of law, to keep our country safe, and to protect civil rights." DOJ operates under the leadership of the nation's chief law enforcement officer, the Attorney General, a presidentially appointed, Senate-confirmed (PAS) official. DOJ has over 115,000 employees that work across the United States and in more than 50 countries worldwide.

Program Administration

The Assistant Attorney General for Administration within the Justice Management Division (JMD) serves as DOJ's Designated Agency Ethics Official (DAEO).² The Deputy Assistant Attorney General for Policy, Management, and Procurement serves as the Alternate DAEO (ADAEO). Both the DAEO and the ADAEO work on ethics part-time.

Although the DAEO has ultimate responsibility for the functions of the Departmental Ethics Office (DEO), the office is led by a Director who is assisted by a Deputy Director, two Attorney Advisors, and two Ethics Program Specialists, all of whom work on ethics-related matters full-time. The DEO develops policies and procedures for the overall operation of DOJ's ethics program and supervises the program department-wide. The DEO officials also review financial disclosure reports, provide advice and counseling, and conduct ethics training for the Department's Senior Management Offices, the Justice Management Division, Office of Legal Counsel, Office of Attorney Recruitment and Management, Executive Office for Organized Crime Drug Enforcement Task Forces, Office of Public Affairs, and Office of Tribal Justice.

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.

Financial Disclosure Written Procedures

Each executive branch agency must establish written procedures for collecting, reviewing, evaluating, and where applicable, making available to the public financial disclosure reports filed by the agency's officers and employees.³ OGE examined DOJ HQ's written procedures for both public and confidential filing and determined that they meet applicable requirements.

² See 28 C.F.R. § 0.78.

³ See 5 U.S.C. app. § 402(d)(1).

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.⁴ This helps to ensure the timely collection of financial disclosure reports.

According to DEO officials, DEO receives information about appointments and terminations through various methods of communication. These include access to shared databases, formal announcements, emails from administrative professionals and from the filers themselves, and via bi-weekly reports from HR that include lists of appointments and terminations. Additionally, specific to appointments, DEO attends each pay period's on-boarding presentation where they get a list of new employees.

Recommendation Remaining from 2022 Report:

1. Ensure HR notifies the DAEO of all appointments to positions that require incumbents to file confidential financial disclosure reports no later than 15 days after the appointment.

Status: Closed. As outlined above, HR notifies the DEO of appointments biweekly.

Public Financial Disclosure

Within 30 days of assuming a covered public filing position, an individual must file a public financial disclosure report.⁵ 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.⁶ The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt, unless additional information is being sought from the filer or remedial action is being taken.⁷

To evaluate the administration of DOJ HQ's public financial disclosure system, OGE examined a sample of non-PAS public reports filed by DOJ HQ employees in 2024. This sample consisted of 59 reports, including every new entrant and termination report reviewed by DEO officials in 2024, and a sample of 30 annual reports. Table 1 below presents the results of OGE's examination.

⁴ See 5 C.F.R. § 2638.105(a)(1) and (2).

⁵ See 5 C.F.R. § 2634.201(b).

⁶ See 5 C.F.R. § 2634.201(a) and (e).

⁷ See 5 C.F.R. § 2634.605.

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

	New Entrant	Annual	Termination	Total
Reports Examined	9	30	20	59
Filed Timely	9 (100%)	29 (97%)	19 (95%)	57 (97%)
Reviewed within 60 Days	9 (100%)	29 (97%)	20 (100%)	58 (98%)
Certified within 60 Days	7 (78%)	23 (77%)	19 (95%)	49 (83%)

As noted in Table 1, OGE’s review found that 97% of the public reports were filed timely, 98% were reviewed timely within 60 days, and 83% were certified timely within 60 days.

Confidential Financial Disclosure

Within 30 days of assuming a covered confidential filing position, an individual must file a confidential financial disclosure report.⁸ The individual must also subsequently file an annual report by February 15 each year.⁹ The reports are required to be reviewed for potential conflicts of interest and certified within 60 days of receipt by the DEO, unless additional information is being sought from the filer or remedial action is being taken.¹⁰

To evaluate the administration of DOJ HQ’s confidential financial disclosure system, OGE examined data from every new entrant and annual report required to be filed during 2024. Table 2 below presents the results of OGE’s examination.

Table 2. DOJ HQ’s Confidential Financial Disclosure Reports

	New Entrant	Annual	Total
Reports Examined	103	180	283
Filed Timely	91 (88%)	178 (99%)	269 (95%)
Reviewed within 60 Days	103 (100%)	180 (100%)	283 (100%)
Certified within 60 Days	88 (85%)	150 (83%)	238 (84%)

⁸ See 5 C.F.R. § 2634.903(b).

⁹ See 5 C.F.R. § 2634.903(a).

¹⁰ See 5 C.F.R. § 2634.605.

As noted in Table 2, OGE’s review found that 95% of the confidential reports were filed timely, 100% were reviewed timely within 60 days, and 84% were certified timely within 60 days. Based on these percentages, OGE determined that DOJ HQ’s confidential financial disclosure system is in substantial compliance with applicable requirements. As a result, the recommendations below stemming from OGE’s previous review are closed.

Recommendations remaining from 2022 Review:

2. Ensure that new entrant confidential financial disclosure reports are filed timely.

Status: Closed. New entrant filing timeliness improved from 44% in the 2022 review to 88%.

3. Ensure that new entrant confidential financial disclosure reports are reviewed and certified within 60 days of filing, unless further information is being sought from the filer or remedial action is being taken.

Status: Closed. All new entrant reports were reviewed within 60 days, and 85% were certified within 60 days. This is a significant improvement from 2022, when only 44% of new entrant reports were reviewed timely and 44% were certified timely.

4. Ensure that annual confidential financial disclosure reports are certified within 60 days of filing, unless further information is being sought from the filer or remedial action is being taken.

Status: Closed. Certification timeliness of annual reports improved from 75% to 83%.

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 PAS employees; 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.¹¹ 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 Briefing 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 See 5 C.F.R. Part 2638 Subpart C.

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

According to DOJ HQ ethics officials, the DEO Director provided in-person live briefings to each of the three DOJ HQ PAS officials appointed in 2024. All briefings were provided within 15 days of the PAS official's date of appointment, as required.

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.¹³ Agencies must also establish written procedures for issuing notices to prospective employees, which the DAEO annually reviews.

OGE determined that DOJ HQ has established written procedures for issuing the required notice to prospective employees, and that the written procedures are reviewed by the DAEO annually, as required. According to DOJ, DEO works with DOJ HQ's JMD Human Resources Director to ensure prospective employees receive the notice. Each year, the DEO Director and the HR Director for the Justice Management Division meet to discuss the procedures to ensure prospective employees receive their notices. OGE examined samples of DOJ HQ's notices and determined that they comply with relevant requirements.

Notices to New Supervisors

An agency must provide new supervisors with certain written materials within one year of initial appointment. The written materials must include: contact information for the agency's DEO and the text of the regulation specifying the government ethics responsibilities of supervisors;¹⁴ a copy of, a hyperlink to, or the address of a web site containing the Principles of Ethical Conduct; and such other information as the DAEO deems necessary for new supervisors.¹⁵ Agencies must also establish written procedures for issuing notices to new supervisors that the DAEO annually reviews.

OGE reviewed notices provided to new supervisors by DOJ HQ and determined that the agency provides the required notice of ethical obligations to their employees upon initial appointment to a supervisory position. DOJ has established written procedures to ensure that such notices are consistently and timely provided, and the written procedures are reviewed by the DAEO annually, as required.

¹² See 5 C.F.R. § 2638.305.

¹³ See 5 C.F.R. § 2638.303.

¹⁴ See 5 C.F.R. § 2638.103.

¹⁵ See 5 C.F.R. § 2638.306.

Initial Ethics Training

Each new employee subject to the Standards of Conduct must complete initial ethics training within three months of appointment, unless excluded by the DAEO. The training must be interactive and 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 DOJ, new DOJ HQ employees attend a general orientation conducted by HR on their first day on duty. The DEO staff provides employees with access to the 14 General Principles of Ethical Conduct and other ethics information from the DEO website, notice of the employee's obligation to receive new employee ethics training within 90 days, and notification to file any required financial disclosure reports, as appropriate.

According to DOJ, the DEO staff conducts New Employee Training (NET) sessions on the second Thursday of each pay period by live video conferencing. DEO also provides a copy of the presentation slides to attendees, as well as links to Facts Sheets summarizing the ethics rules covered. OGE reviewed the presentation materials and determined that they met the relevant standards to qualify as interactive training. OGE also determined that the training met applicable content requirements.

According to DOJ, DEO, with the assistance of the Department's Learning Management System (LearnDOJ), tracks and maintains the registration list for each NET session and follows up with non-attendees for scheduling of the live virtual training. After the live virtual training, DEO sends the attendees list to LearnDOJ, an online/digital training platform to document attendance. According to DEO, in 2024, 9,103 new DOJ HQ employees were required to receive initial ethics training, and 9,086 (99%) received it within three months of their appointment. OGE validated this data based on a review of sampled initial ethics training reports.

Written Procedures for Initial Ethics Training

Agencies are required to establish written procedures for, among other things, initial ethics training, which the DAEO must review each year.¹⁷ Further, in agencies with 1,000 or more employees, any office that is not under the supervision of the DAEO, but has been delegated responsibility for issuing notices or conducting training, must submit the following materials to the DAEO by January 15 each year: a written summary of procedures that office has established to ensure compliance with initial ethics training requirements; and written confirmation that there is a reasonable basis for concluding that the procedures have been implemented.¹⁸

¹⁶ See 5 C.F.R. § 2638.304.

¹⁷ See 5 C.F.R. § 2638.304.

¹⁸ See 5 C.F.R. § 2638.310.

OGE reviewed DEO's written procedures for providing initial ethics training within DOJ HQ during calendar year 2024 and found that they met applicable requirements. The written procedures are reviewed by the DAEO annually, as required.

Recommendation remaining from 2022 Review

5. Ensure the DAEO annually reviews the written procedures for administering the notices to prospective employees, the written procedures for administering notices to new supervisors and the written procedures for administering initial ethics training, as required.

Status: Closed. The written procedures are now reviewed annually by the DAEO, as required.

Annual Ethics Training for Public Filers

Generally, live training must be provided each calendar year to each employee whose pay is set at Level I or Level II of the Executive Schedule. Live training must also be provided to other employees who are required to file public financial disclosure reports every other year, with interactive training provided in the intervening years. The training presentation, whether live or interactive, must focus on government ethics laws and regulations that the DAEO deems appropriate and 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.¹⁹

According to information provided to OGE by DOJ HQ officials, in 2024 the DEO Director provided the Attorney General and Deputy Attorney General live annual training via video conferencing supplemented with written materials. Other PAS officials were provided with live, in-person ethics training in individual sessions and non-PAS public filers received either live, in-person training or an interactive training course via the department's virtual learning system. Among public filers required to take annual ethics training, 33% completed live training and 67% completed interactive training. OGE determined that the live presentation combined with the written materials met applicable content requirements.

Annual Ethics Training for Confidential Filers and Certain other Employees

Generally, interactive training is required to be provided 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; 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 and must address financial conflicts of interest, impartiality, misuse of

¹⁹ See 5 C.F.R. § 2638.308.

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.²⁰

DEO's Deputy Director reported providing interactive annual ethics training to confidential filers in 2024. Most confidential filers completed the interactive online training through LearnDOJ; some received live interactive training, along with other written materials. OGE determined that the 2024 annual ethics training presentation combined with the written materials met applicable content requirements.

In 2024, 87 public filers and 255 confidential filers within DOJ HQ were required to receive annual ethics training. Table 3 below reflects the training provided and who attended. The agency's contracting officers are all confidential filers and therefore captured in row 8.9.

Table 3. Annual Ethics Training for DOJ HQ Financial Disclosure Report Filers

	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%	N/A
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).	33%	67%
	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).	0%	93%
8.10	• Employees appointed by the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.11	• Employees of the Executive Office of the President. <i>See</i> 5 C.F.R. § 2638.307(a)(2).	N/A	N/A
8.12	• Contracting officers described in 41 U.S.C. § 2101. <i>See</i> 5 C.F.R. § 2638.307(a)(3).	N/A	N/A
8.13	• Other employees designated by the head of the agency. <i>See</i> 5 C.F.R. § 2638.307(a)(4).	N/A	N/A

Ethics Advice and 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.²¹ A robust ethics counseling program is necessary to ensure that employees receive the guidance they need to comply with the ethics rules.

²⁰ *See* 5 C.F.R. § 2638.307.

²¹ *See* 5 C.F.R. § 2638.104 (c)(4).

OGE reviewed a sample of the ethics-related counseling that DEO ethics officials provided to DOJ HQ employees in 2024. The counseling addressed financial conflicts of interest, impartiality, post-government employment, gifts, financial disclosure, misuse of position, and outside activities. OGE found the counseling to be consistent with applicable statutes and regulations.

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.²² 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.²³ DOJ HQ issued one such waiver in 2024. OGE was consulted before the waiver was issued, as required.

Additionally, the Ethics in Government Act expressly recognizes the need for PAS nominees to address actual or apparent conflicts of interest by requiring written notice of the specific actions to be taken in order to alleviate the conflict of interest.²⁴ This written notice is commonly known as an “ethics agreement.” No PAS officials onboarded at DOJ HQ or were required to submit an ethics agreement in 2024.

Enforcement

Executive branch offices are required to notify OGE when they refer a potential violation of a conflict-of-interest law to the Department of Justice (DOJ)²⁵ and concurrently notify OGE of any such referrals. OGE uses the OGE Form 202 (Notification of Conflict-of-Interest Referral) to collect these notifications and information regarding the disposition of the matter.

DOJ HQ made no such referrals in 2024. DOJ HQ also reported no disciplinary actions based wholly or in part upon violations of the criminal conflict of interest statutes (18 U.S.C. §§ 203, 205, 207, 208, and 209) and no disciplinary actions based wholly or in part upon violations of the Standards (5 C.F.R. part 2635).

Recommendation remaining from 2022 Report

6. Develop and implement policies and procedures for maintaining accountability of referrals involving the potential violation of the criminal conflict of interest statutes. This includes timely notification to OGE when a referral is initially made and providing the required disposition reports.

²² See 18 U.S.C. § 208.

²³ See Executive Order 12674.

²⁴ See 5 U.S.C. app. § 110.

²⁵ See 5 C.F.R. § 2638.206.

Status: Closed. As outlined in DOJ’s previous program review report, in 2021 there was a discrepancy between the number of potential violations of the criminal conflict of interest statutes OGE was notified of and the number reported in the Annual Ethics Questionnaire (Questionnaire) that agencies submit to OGE each year. OGE was unable to reconcile the difference. In 2024, the number of referrals reported in the Questionnaire (0) matched the number reported to OGE (0). As there is no longer a discrepancy, the recommendation is closed. OGE reminds DOJ of the statutory requirement to complete the Questionnaire, which includes an obligation to accurately report the number of referrals each year.²⁶

Agency Comments

Thank you for the opportunity to review and comment on the U.S. Office of Government Ethics (OGE) Ethics Program Review of the U.S. Department of Justice (DOJ) Headquarters. DOJ’s Departmental Ethics Office (DEO) welcomed this chance to engage with OGE’s team and provide information about the ongoing work of DOJ’s Ethics Program.

DEO appreciates OGE’s recognition of the program and process improvements implemented since 2022. Going forward, DEO seeks to continue collaborating with OGE and values its ongoing assistance and guidance as we help DOJ employees uphold the highest standards of ethical conduct.

²⁶ 5 U.S.C. § 13122(e)(1))